



AGENDA ATTACHMENTS

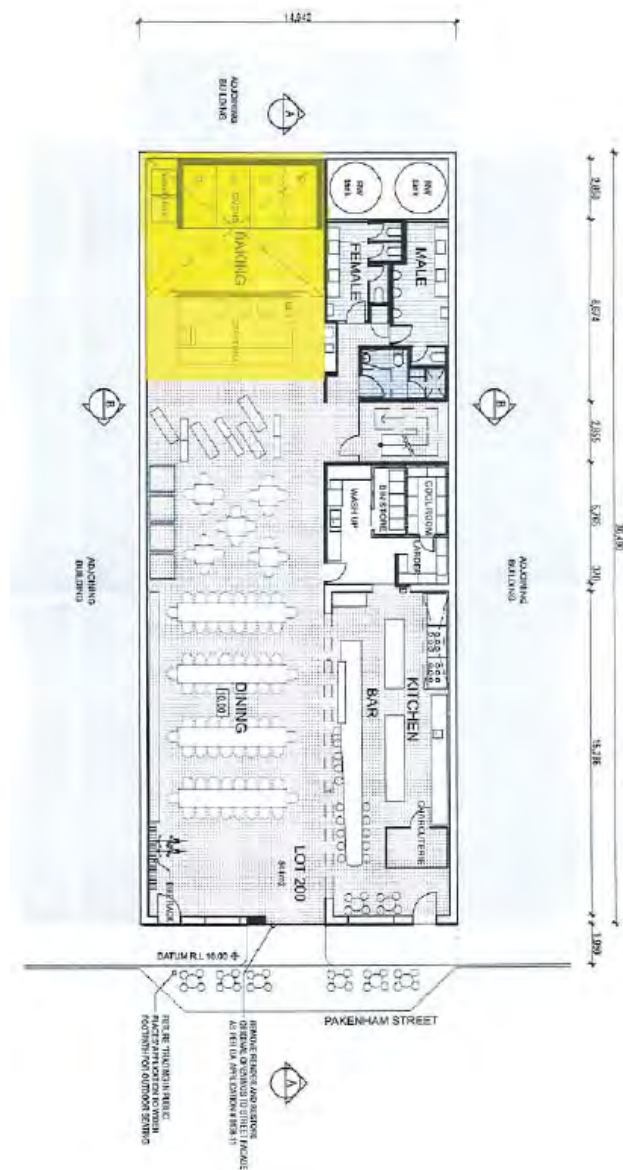
Planning Services Committee

Wednesday, 21 November 2012, 6.00 pm

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**PSC1211-178 PAKENHAM STREET NO.43 (LOT 200), FREMANTLE PARTIAL
CHANGE OF USE TO SERVICE INDUSTRY (BAKERY) (NMG
DA0522/12)**

ATTACHMENT 1



ATTACHMENT 2

Minutes of Planning Services Committee - Wednesday, 21 November 2012

**TITLE PAKENHAM STREET NO.43 (LOT 200), FREMANTLE –
ALTERATIONS AND ADDITIONS TO AN EXISTING WAREHOUSE
BUILDING AND CHANGE OF USE TO RESTAURANT AND OFFICE
(MS DA0175/11)**

DataWorks Reference:	059/002
Disclosure of Interest:	Nil
Meeting Date:	15 June 2011
Responsible Officer:	Manager Development Services
Actioning Officer:	Planning Officer
Decision Making Level:	Planning Services Committee
Previous Item Number/s:	Nil
Attachment 1:	Development Plans
Attachment 2:	Expert Heritage Advice
Date Received:	18 April 2011
Owner Name:	Western Condor Pty Ltd
Submitted by:	Spaceagency
Scheme:	City Centre Zone
Heritage Listing:	Management Category Level 3
Existing Landuse:	Warehouse
Use Class:	Restaurant, Office
Use Permissibility:	'A', 'P'



EXECUTIVE SUMMARY

The application is presented before Planning Services Committee as a number of submissions have been received throughout the consultation period in regard to potential impacts of the proposed use on adjoining properties that are unable to be addressed through conditions of Planning Approval.

The applicant is seeking Planning Approval for Alterations and Additions to an existing Warehouse Building and Change of Use to Restaurant and Office at No.43 Pakenham Street, Fremantle. The Ground Floor is to be used for the purposes of a restaurant and bakery with the inclusion of a mezzanine level and first floor to be used for the purposes of an Office. The application has been referred to an external heritage expert for comment.

The application is recommended for conditional approval.

BACKGROUND

The subject site is located on the western side of Pakenham Street, Fremantle. The site is comprised of a single storey heritage listed Warehouse which is currently used as a workshop. The site is zoned City Centre under the City's Local Planning Scheme No. 4 (LPS4), and is located within the City Centre Local Planning Area. The site listed on the City's Heritage List and Municipal Heritage Inventory as a Management Category Level 3, and is further located within West End Conservation Area, which a designated Heritage Area in accordance with Clause 7.2 of LPS4.

An application was previously approved for the removal of the cement render on the façade of the warehouse and the reinstatement of the original windows and doors of the warehouse (refer DA0138/11).

DETAIL

The applicant is proposing additions and alterations to the existing Warehouse located at No.43 Pakenham Street, Fremantle, along with a change of use to restaurant and office.

The applicant is proposing to utilise the ground floor of the existing warehouse for the purpose of a restaurant and bakery. The restaurant will have the capacity to accommodate 170 patrons and is to utilise approximately 170m² of floor space. The operation hours of the restaurant are to be 9am to 12pm, for six days a week. The ground floor of the existing warehouse will also contain the kitchen area, along with the proposed bakery. The bakery is not proposed to carry out activity outside the aforementioned opening times.

The proposal is also comprised of the construction of a mezzanine and first floor level to accommodate office space. For the most part the proposed works are internal to the existing Warehouse with the exception of the first floor that involves the alteration of the roof form in order to accommodate the proposed first floor.

The proposed development plans are enclosed as an attachment to this report (Attachment 1).

CONSULTATION

Community

The application was required to be advertised in accordance with Clause 9.4 of LPS4, and the City's L.P.P1.3 *Public Notification of Planning Proposals*. At the conclusion of the advertising period being the 19 May 2011, there were a total of 60 submissions received. The content of the submissions is summarised below:

Submissions in support of the proposal

A total of 42 submissions were received in support of the proposal. A summary of the comments are provided below:

- Venue considered a good outcome given the focus on quality rather than mass turnover;
- Contribute to passive surveillance on Pakenham Street;
- Appropriate location in the city centre;
- West End lacks vitality, more development of this nature needed in the West End, need for more activity after Notre Dame University hours;
- Catalyst for overdue restoration of the area;
- Pakenham Street seen as dull due to the lack of development of this nature;
- Preference for the adaptive reuse of the building as opposed to demolition;
- Diversification of exiting restaurant market in locality;
- Sympathetic with the streetscape;
- Seen to discourage anti social behaviour;
- Balance day/night activity and encourage student retention after university hours;
- Adequate parking to facilitate such a venue;
- Positive for the whole of city;
- Bakery a great amenity for local residents;
- Avoid complacency with notoriety of café strip.

Submissions opposed to the proposal

A total of 18 submissions were received raising concern to the proposal. A summary of the comments are provided below:

- Pakenham Street, having one of the higher residential concentrations in the West End is not suitable for development of this nature;
- The proposal has the potential to impact on amenity and property values within the area;
- Concerns regarding anti social behavior (Drug dealers, Vomiting, Smoking, Cigarette Butts, Urination);
- The proposal may contribute to the detriment to the heritage significance of the building located on site;
- Concerns regarding the exhaust fumes from bakery and kitchen;
- Concerns regarding the waste management for the 170 patron restaurant, specifically noise associated with cleaning up, introduction of vermin population, noise from increased rubbish collection, unsightly;
- Impact of operation on the functionality of the adjoining balconies and terraces;
- Concerns associated with amplified music, and increased noise from patrons as a result;
- Residential presence encouraged in the City thus the right to a peaceful high quality of life should be protected;
- Additional traffic and parking issues;
- Nuisance;
- Concerns with early start time for bakery;
- Future change of ownership to further unsuitable venues;
- Number of patrons too high.

The content of the comments provided throughout the consultation period will be discussed further in the Planning Comment section of this report.

HERITAGE

The proposal was referred to an external heritage expert in order to determine the degree of impact the proposal would have on the heritage significance of the subject site. In regard to the degree of change in relation to the heritage significance of the site, the external heritage expert provided the following comment:

Overall the proposal will have a positive degree of change in terms of the heritage significance of the place. The single storey form will remain the dominant form when viewed from pedestrian level at Pakenham Street, with the first floor addition set back behind the existing roof hip. Almost all intrusive accretions, including ad-hoc additions and nonoriginal external and internal applied rendered finishes, will be removed. The façade will be returned to its original appearance through the repair of the fair face brickwork and reconstruction of original openings. Original timber roof lantern will be retained and conserved and the trusses will remain exposed to view throughout the full height volume of the warehouse space and also within the mezzanine and first floor level extensions.

The external heritage expert also included a number of recommendations in relation to the proposal which are as follows:

- That Council impose a condition requiring the retention and conservation of the original timber roof lantern, with the request for detailed drawings in regard to the interface between the first floor addition and the lantern;
- Within the kitchen area, any new services should be expressed as opposed to concealed it, and further retain original fabric to keep the proposal architecturally un-sanitised; and
- The T & G Oregon ceiling being retained in-situ, with any alterations to the ceiling made for services should be kept to a minimum.

Accordingly the above will be included as conditions of planning approval as per the heritage advice provided.

Several other recommendations were made in the heritage assessment including:

- If site investigations in relation to the façade not reveal sufficient information to return the façade to a known earlier state, a condition be imposed requiring new openings be symmetrically configured with vertical emphasis consistent with the West End Conservation area; and
- The results of the exploratory work are made available for the City through its public records.

These matters are not applicable to this application, and have been dealt with through DA0138/11.

The content of the expert heritage is discussed further in the Planning Comment section of this report.

STATUTORY AND POLICY ASSESSMENT

Use

The proposal is comprised of a change of use from a 'Warehouse' to a Restaurant and Office. Within the city centre zone the use of an Office is a 'P' pr permitted use, the use of a Restaurant is an 'A' use which means that the use is not permitted unless council has exercised its discretion after advertising in accordance with clause 9.4 of LPS4.

In determining whether the council should exercise its discretion in granting approval for the use of the restaurant, the proposal is required to be assessed against the objectives of the City Centre zone.

The assessment against these objectives will be assessed further in the planning comment section of this report.

Parking

The use of a Restaurant requires the provision of 1 parking bay per 5m² of dining area, 1 delivery bay per service or storage area and 1 bicycle rack per 100m² of gross lettable area.

The use of an Office requires the provision of 1 bay per 30m², 1 delivery bay per 500m² and 1 Bicycle rack 200m² of gross lettable area.

Use	Required	Provided	Shortfall
Restaurant	34 Car Bays 1 Delivery Bay 2 Bicycle Racks	Nil Nil 1 Bicycle Rack	34 Car Bays 1 Delivery Bay 1 Bicycle Racks
Office	5 Car Bays 1 Delivery Bay 1 Bicycle Rack	Nil Nil Nil	5 Car Bays 1 Delivery Bay 1 Bicycle Rack
Total	39 Car Bays 2 Delivery Bays 3 Bicycle Racks	Nil Nil 1 Bicycle Rack	39 Car Bays 2 Delivery Bays 2 Bicycle Racks

Accordingly, this parking shortfall requires an assessment against clause 5.7.3 of the City's LPS4.

This assessment will be discussed further in the Planning Comment section of this report.

Council Policy

D.G.F14 Fremantle West End Conservation Area Policy

Given that the proposed development has been supported on heritage grounds, the proposal is considered to be consistent with the relevant requirements of the City's D.G.F14.

PLANNING COMMENT

Use

The objectives of the City Centre zone are outlined below:

Development within the city centre zone shall –

- (iv) provide for a full range of shopping, office, administrative, social, recreation, entertainment, and community services, consistent with the region serving role of the centre and including residential uses, and
- (v) comply with the objectives of local planning area 1 of Schedule 12,
- (vi) conserve places of heritage significance the subject of or affected by development.

The objective of the zone specifically identifies the need for office, social and entertainment uses within the city centre to contribute to its region serving role. The scheme further serves to ensure that a proposal contribute to the diversity of uses within the city centre. It is considered that the proposal will offer greater diversity to the existing entertainment venues on offer within the City Centre and is overall anticipated to make a significant contribution to the regional serving role of the City.

The proposal is further consistent with the height requirements outlined within planning area 1 of Schedule 12 and has been supported on heritage ground (see above).

On this basis, the proposal is considered to satisfy the objectives of the City Centre Zone.

Parking

As discussed previously, the applicant is proposing a shortfall of 39 parking bays and 2 delivery bays. As a result, the parking shortfall is required to be assessed in accordance with clause 5.7.3 of the City's LPS4. Clause 5.7.3 states that Council may waive or reduce the standard parking requirements outlined in Table 3 on the basis of the proposal satisfying one or more of the criteria outlined within clause 5.7.3(a). Of the criteria listed within clause 5.7.3, the proposal is considered to satisfy a number of criteria, particularly sub-clause (ii) which states as follows:

“the availability of parking within the locality, including street parking”

Within close proximity to the subject site are two parking areas located on Pakenham Street, there are also a number of street bays along Pakenham Street and the subject site is within close proximity to the parking complex located on Collie Street.

Notwithstanding the above, the proposal is also located within close proximity to Fremantle Train Station (approximately 600m walking distance) and is also located within close proximity to stop 21 of the Fremantle CAT service.

Furthermore, given that the applicant is conducting restoration works to a heritage listed building, the applicant has further grounds to pursue reduced parking in this instance.

In regard to the provision of Cash in lieu of car parking, *DBM7 Cash-in-lieu of car parking policy* (DBM 7) contains provisions where a portion or the entire car parking requirement is:

- not proposed to be provided on site; or
- is deemed by Council to be inappropriate (having regard to clause 60 of the rescinded Town Planning Scheme 3 (TPS3));

‘the developer shall be required to provide cash-in-lieu of car parking for the number of parking bays not provided on the development site.’

Clause 60 of TPS3 states:

‘Before deciding to vary the car parking requirements the Council shall take into consideration:

- (a) the effect of the proposed development on parking demand in the locality, having due regard to the availability of alternative parking space and possible future developments;
- (b) any unusual or irregular condition relating to the shape or size of the subject lot or any adjoining lot; and
- (c) the effect on buildings and objects worthy of conservation, and on the streetscape.’

As mentioned previously, the effect of the proposed change of use is not considered to have a significant detrimental impact on the amenity of adjoining properties or the locality in relation to car parking. There is a significant amount of alternative parking available within the direct proximity to the site.

Furthermore, given that the warehouse located on the property has complete site coverage, it is impractical to expect parking be provided without some form of alterations being carried out at detriment to the heritage significance of the site.

Given the proposal satisfies a number of alternative criteria outlined within clause 5.7.3, cash in lieu for car parking contribution is not recommended to be included as a condition of Planning Approval in this instance.

Accordingly the proposal is considered to satisfy the requirements of clause 5.7.3 of the City’s LPS4.

CONSULTATION

Whilst a number of concerns have been raised in regard to the proposal, it is important that a distinction is made between matters that are dealt with through planning, and those that are dealt with through other regulatory practice. The concerns raised in respect to the proposal are addressed below:

Environmental Health Issues (noise, odours, waste management and patron numbers)

Concerns were received regarding the potential issues with noise from the operation of the premise, further noise and fumes associated with the exhaust fan located on site, patron numbers and the waste management of the premise. With concerns of this nature should it be noted that there are inherent environmental health regulations that the premise is required to adhere to, thereby should issues arise the operation will be monitored to ensure compliance with the relevant regulations.

Anti Social Behaviour

A number of concerns have been received in regard to anti social behaviour that may be associated with the premise. The applicant, should the change of use be approved, will apply for a Liquor License for a restaurant. Through the Department of Racing Gaming and Liquor (DRGL), there are a number of conditions that will be imposed on the service of alcohol that are more onerous than those associated with a venue like a tavern or nightclub (such as the service of alcohol with a substantial meal). Likewise there are inherent regulations that a licensee is to observe, should issues arise associated with the service of alcohol they will be dealt with under the Liquor Licensing Act by the Department of Liquor Racing and Gaming.

To ensure the premises is not used as a small bar or tavern however it is recommended to include a condition of approval confirming that the approval is for a restaurant and office only. This means that any application to DRGL for anything other than a restaurant liquor licence (liquor only permitted if ancillary to a meal) would not be supported.

Other issues

Some issues raised in submissions are not matters relevant to the consideration of a development application. These include:

- effect on property values
- functionality of adjoining properties balconies and terraces
- future change of ownership

CONCLUSION

Whilst a number of concerns have been conveyed in relation potential for issues arising as a result of the proposed change of use, it is important to note that there is an existing regulatory framework external to planning control to deal issues such as noise, antisocial behaviour waste management and patron numbers.

As previously discussed, concerns raised in respect to issues that are not matters that relate to planning are dealt with through other statutory frameworks.

To this end, it is fundamental that the Council is satisfied that the proposal is consistent with the objectives of the city centre zone and that the proposal is not likely to have a significant detrimental impact on the amenity of the area.

The proposal is considered to be generally consistent with the planning requirements encompassed within the City's Local Planning Scheme No.4. It is considered proposal will act to strengthen the region serving role of the city centre in providing for a type of use that is largely underrepresented within the West End, facilitating a more comprehensive array of uses which will in turn contribute to the vitality of the City Centre as a whole.

Notwithstanding, a condition of approval will be included to ensure that the applicant adheres to the hours of operation outlined within the proposal to ensure that the operation will not disturb adjoining properties after the hours indicated on the proposal.

Accordingly the proposal is recommended for approval subject to conditions.

OFFICER'S RECOMMENDATION AND COMMITTEE DECISION

MOVED: Cr A Sullivan

That the application be **APPROVED** under the Metropolitan Region Scheme and Local Planning Scheme No. 4 for the additions and alterations to an existing Warehouse and change of use to a Restaurant and Office at No.43 (Lot 200) Pakenham Street, Fremantle, subject to the following condition(s):

1. The development hereby permitted shall take place in accordance with development plans dated 18 April 2011. It does not relate to any other development on this lot.
2. This approval is limited to a restaurant and office use only.
3. The restaurant's hours of operation are limited between 9:00 am to 12:00 midnight six days of the week.
4. The timber roof lantern is to remain in situ, with plans to be submitted prior to commencement detailing the architectural resolution of the first floor addition at its interface with the lantern to the satisfaction of the Chief Executive Officer, City of Fremantle.
5. The tongue and groove oregon ceiling shall be retained in situ to the satisfaction of the Chief Executive Officer, City of Fremantle.
6. Any new services such as but not limited to exhaust extraction, plumbing and drainage, air conditioning, fire services and waste disposal should be expressed as opposed to being concealed to the satisfaction of the Chief Executive Officer, City of Fremantle.
7. All storm water discharge shall be contained and disposed of on-site.

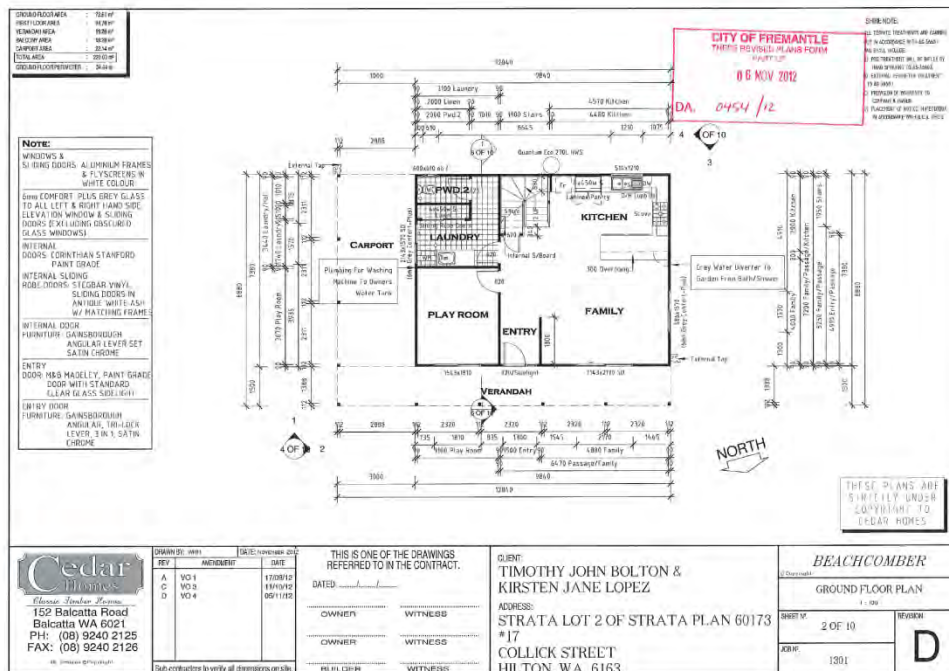
ADVICE

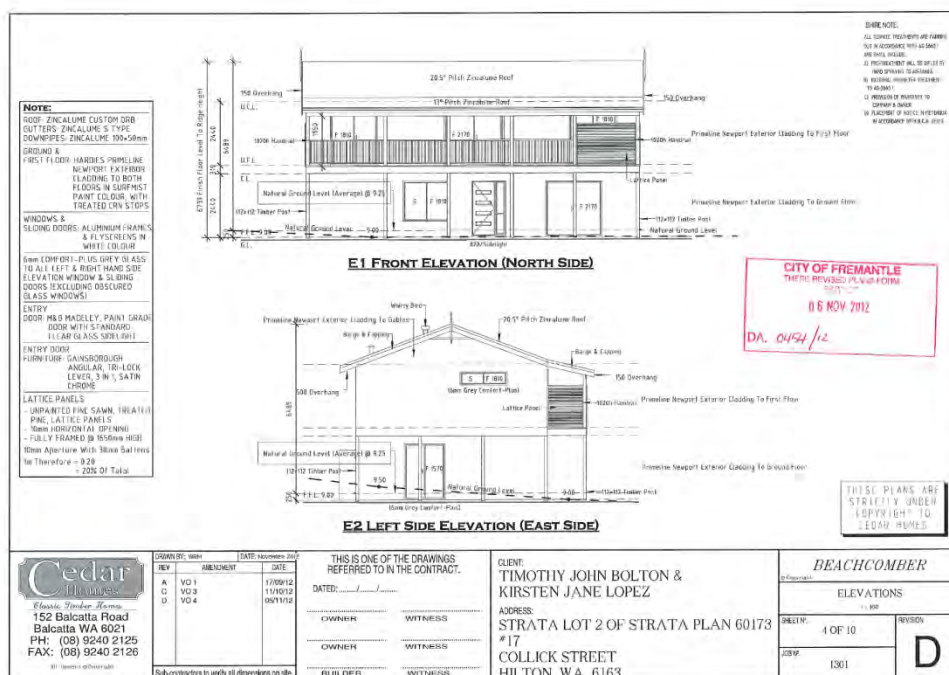
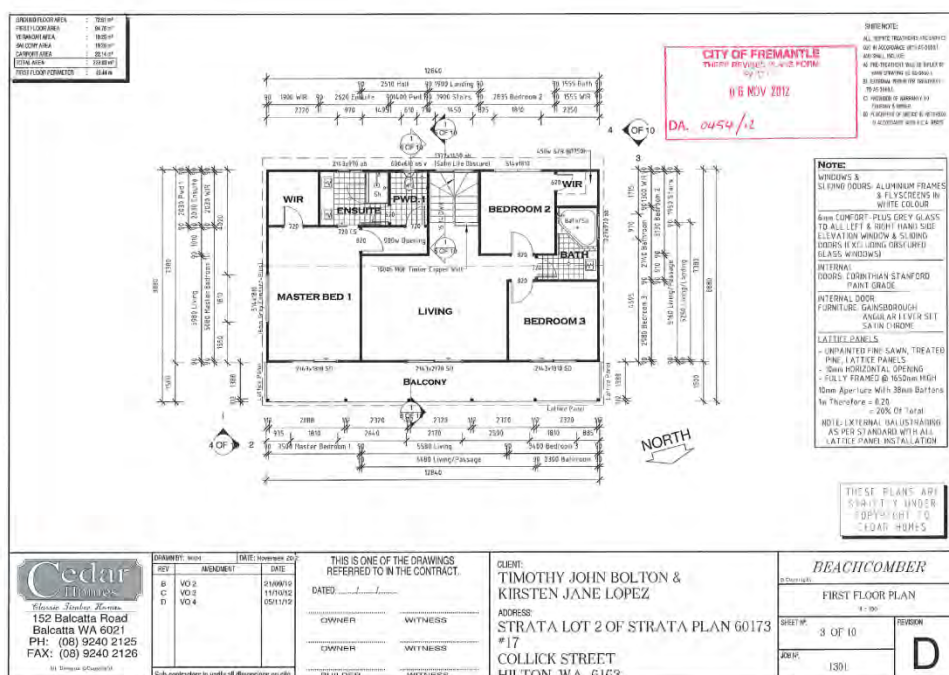
In relation to the bakery component of the development, the sale of bread to the public is considered to be incidental to the predominant approved use of restaurant.

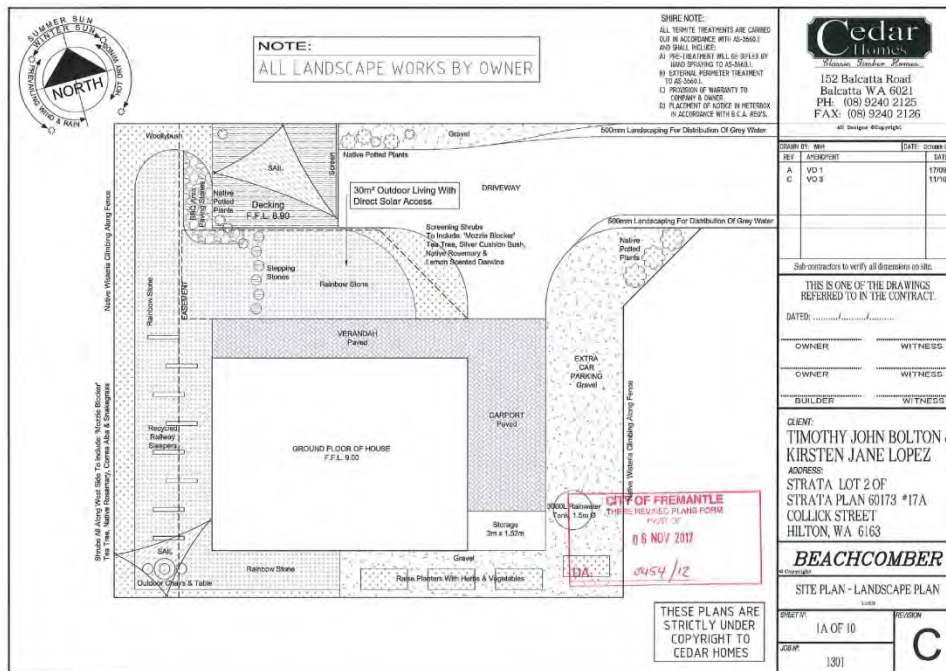
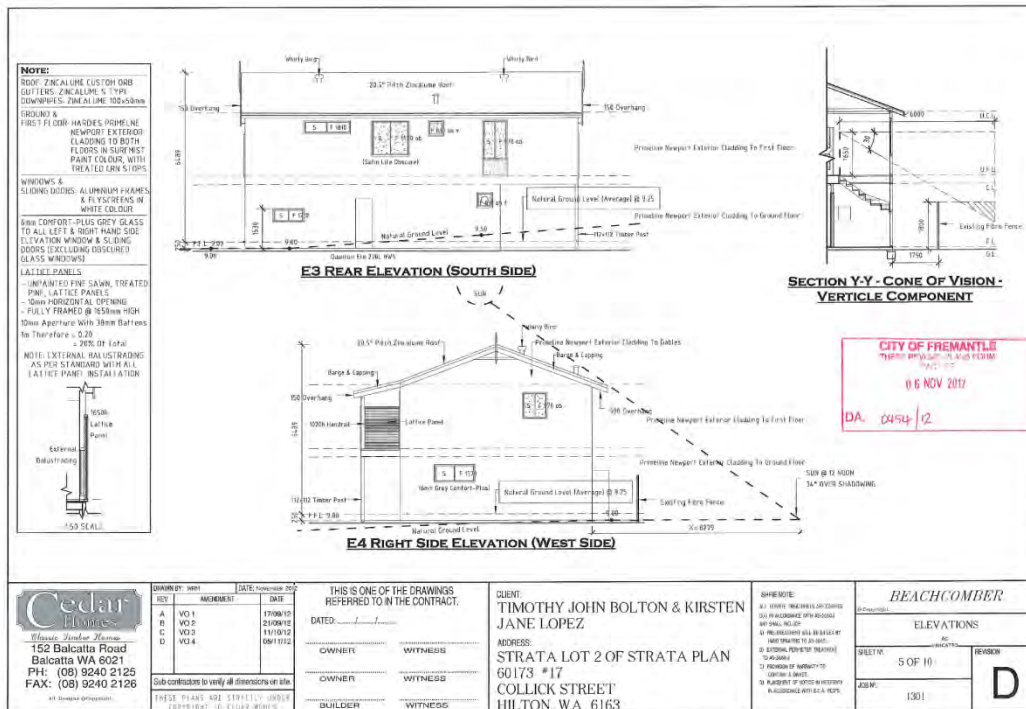
CARRIED: 7/0

For	Against
Mayor, Brad Pettitt Cr Dave Coggin Cr Robert Fittock Cr Josh Wilson Cr Donna Haney Cr Bill Massie Cr Andrew Sullivan	

ATTACHMENT 1

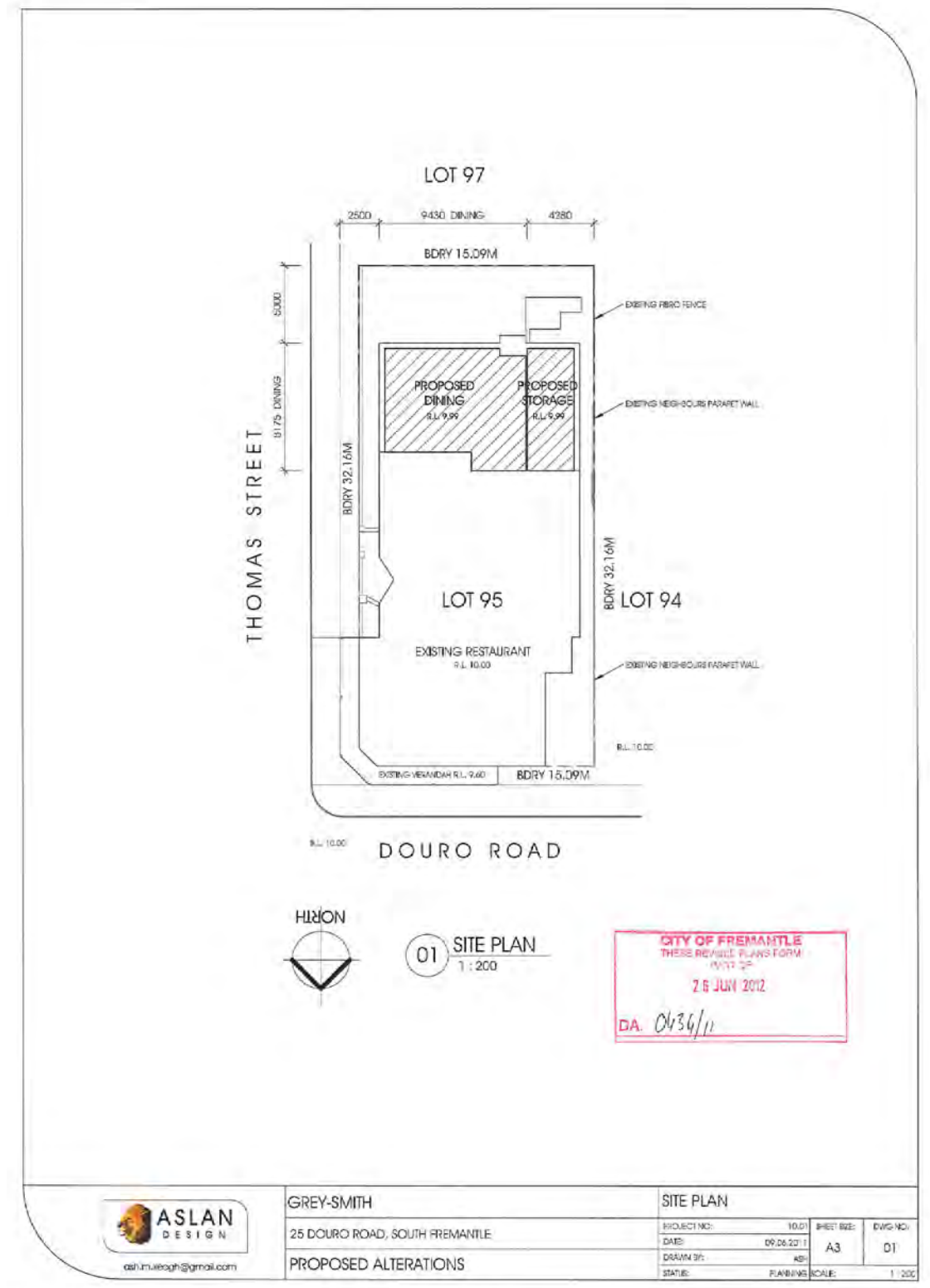


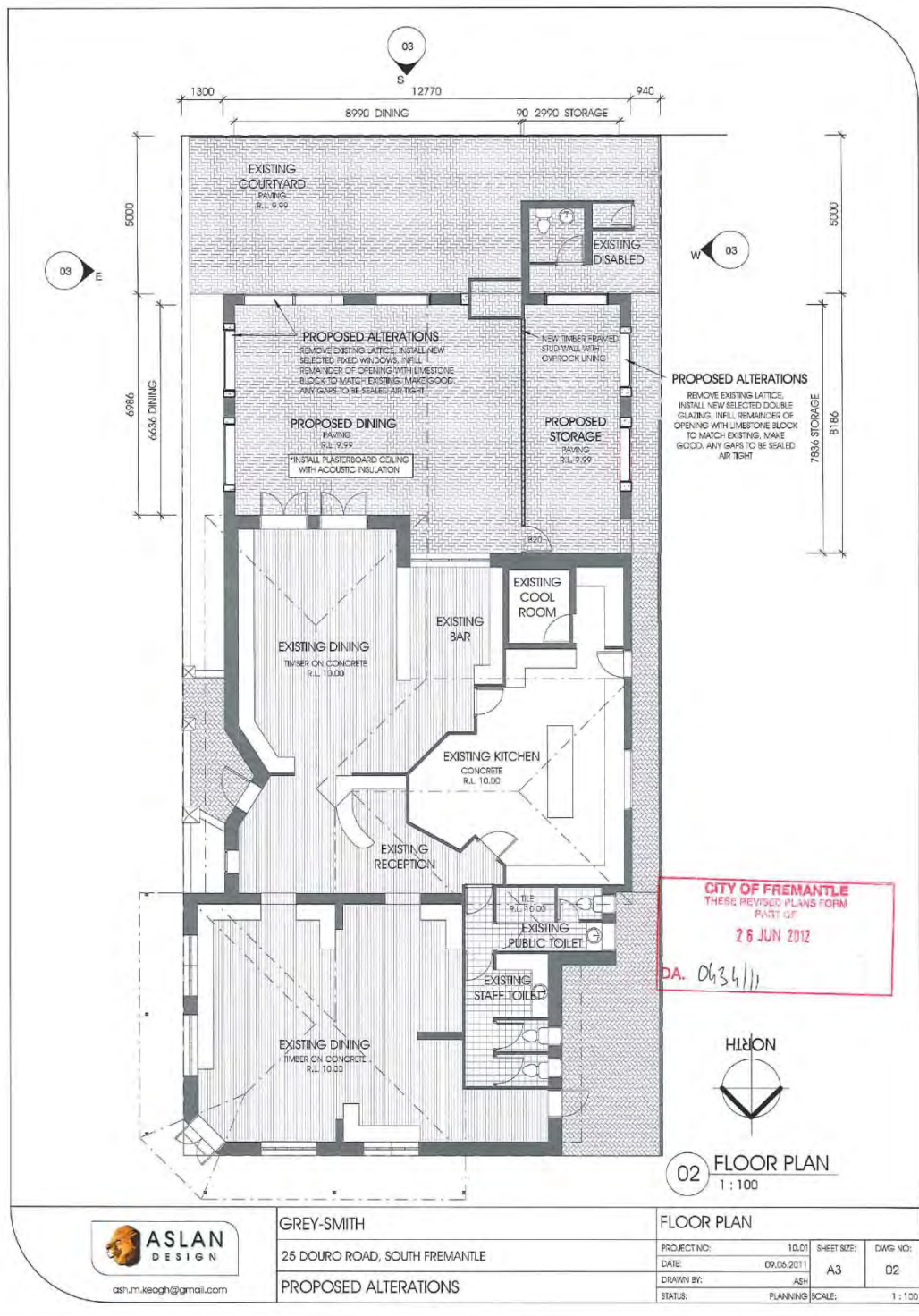




**PSC1211-180 DOURO ROAD NO. 25 (LOT 95), SOUTH FREMANTLE –
ALTERATIONS TO EXISTING COMMERCIAL BUILDING
(RESTAURANT) – (AD DA0434/11)**

ATTACHMENT 1: Development Plans (as amended)



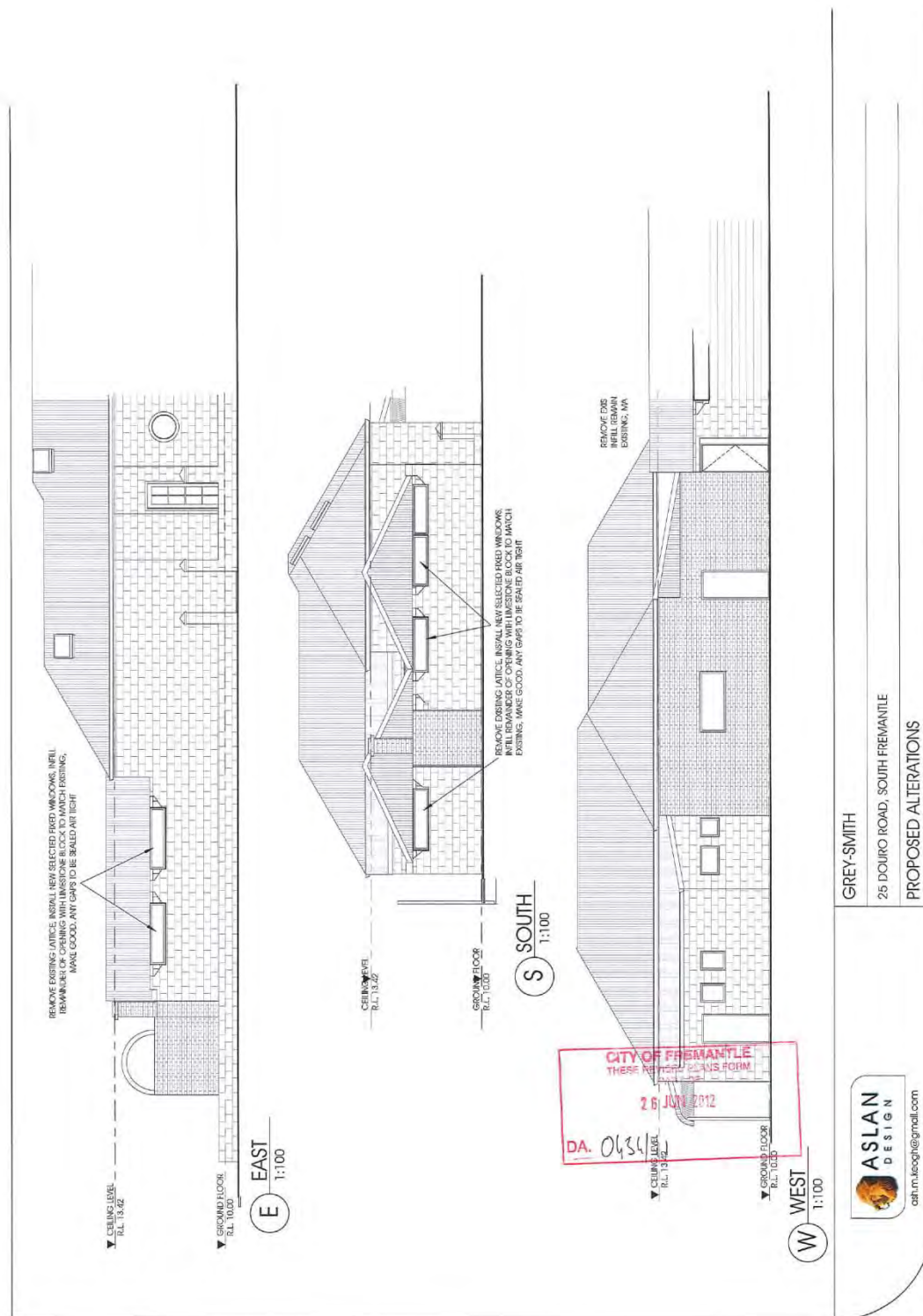




GREY-SMITH
25 DOURO ROAD, SOUTH FREMANTLE
PROPOSED ALTERATIONS

PERSPECTIVES

PROJECT NO:	10.01	SHEET SIZE:	DWG NO:
DATE:	09.06.2011	A3	04
DRAWN BY:	ASH		
STATUS:	PLANNING SCALE:		

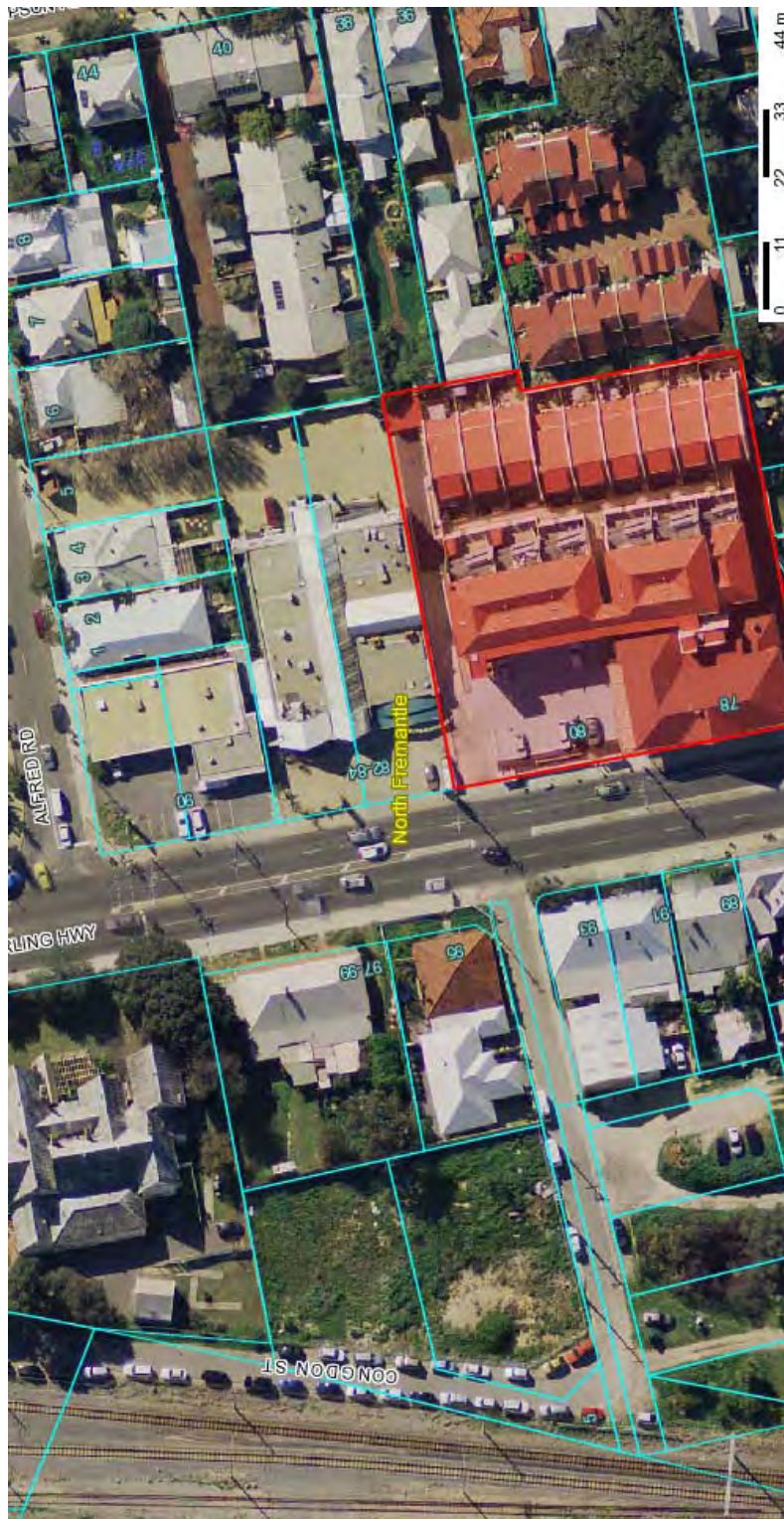


PSC1211-181 STIRLING HIGHWAY NO. 78 & 80, NORTH FREMANTLE (ROSE HOTEL) COMPLIANCE OF ONE WAY TRAFFIC

ATTACHMENT 1



ATTACHMENT 3



ATTACHMENT 4



View looking south onto 80 Stirling Highway from the accessway on 80 Stirling Highway.



View looking west towards Stirling Highway from the access way on 80 Stirling Highway towards the rear of the property



View looking north across the access easement



View looking west towards Stirling Highway from the access way on 80 Stirling Highway towards the front of the property



View looking west towards Stirling Highway from the access way on 80 Stirling Highway towards the front of the property (sign on the front boundary)



Sign on the down ramp on 80 Stirling Highway.

**PSC1211-182 SCHEDULE OF APPLICATIONS DETERMINED UNDER
DELEGATED AUTHORITY**

ATTACHMENT 1

- 1. CURED ALE STREET NO. 27 (LOT 14), BEACONSFIELD – CARPORT
ADDITION TO EXISTING SINGLE HOUSE – (AD DA0479/12)**
- 2. JOSLIN STREET, NO. 7 (LOT 1110), HILTON – SINGLE STOREY REAR
ADDITIONALS AND ALTERATIONS TO EXISTING SINGLE HOUSE – (AA
DA0461/12)**
- 3. YORK STREET, NO. 26A (STRATA LOT 1 ON LOT 71), BEACONSFIELD –
DEMOLITION OF OUTBUILDINGS – (AA DA0462/12)**
- 4. SILVER STREET NO. 8 (LOT 60), SOUTH FREMANTLE – VARIATION TO
PREVIOUS PLANNING APPROVAL FOR DA0384/11 (TWO STOREY
SINGLE HOUSE) – (AD VA0033/12)**
- 5. JOSLIN STREET NO. 23 (LOT 2), HILTON – DECK ADDITION AND
ALTERATIONS TO EXISTING GROUPED DWELLING – (KS DA0426/12)**
- 6. ATTFIELD STREET, NO. 100 (LOT 302), SOUTH FREMANTLE –
ADDITIONS AND ALTERATIONS TO EXISTING SINGLE HOUSE – (JS
DA0423/12)**
- 7. MALCOLM STREET NO. 24 (LOT 102) FREMANTLE – REAR PATIO AND
DECK ADDITION TO EXISTING SINGLE HOUSE (KS DA0458/12)**
- 8. KEELING WAY NO.20 (LOT 239), SOUTH FREMANTLE – ALTERATIONS
TO TWO STOREY SINGLE HOUSE – (JL DA0500/12)**
- 9. SOUTH TERRACE NO.17 - 25 (LOT 1), FREMANTLE – REPAIR,
RESTORATION AND RE- ROOFING OF EXISTING BUILDING – (JL
DA0442/12)**
- 10.WONGAN AVENUE NO. 10B (LOT 902), WHITE GUM VALLEY – TWO
STOREY SINGLE HOUSE – (AD DA0308/12)**
- 11.ANNIE STREET NO. 1A (LOT 88), BEACONSFIELD – TWO STOREY
SINGLE HOUSE – (AD DA0429/12)**
- 12.13 CANTONMENT STREET, (LOT 49), FREMANTLE – REPAIRS &
MAINTENANCE TO FACADE OF BUILDING – (AA DA0480/12)**
- 13.GARLING STREET NO. 107 (LOT 138), O’CONNOR – CONCRETE SLAB
ADDITION AND ALTERATIONS TO EXISTING GENERAL INDUSTRIAL
SITE – (KS DA0389/12)**

ATTACHMENT 2

12 November 2012



South West Aboriginal
Land & Sea Council

Ms Kerry Wood
Planning & Development Services
City of Fremantle
PO Box 807, Fremantle WA 6959

Dear Kerry,

RE: City of Fremantle's selection of proposed Aboriginal words for current and future road naming as presented at the Whadjuk working party

I would like to respond on behalf of the Whadjuk working party members after an enlightening presentation from you on 17th October 2012. It was well received with some really great feedback about the project in further discussions afterwards.

The response from the working party members is that they give their full support and endorsement, for the use of 'Woylie Lane', for the proposed subdivision located at 20 Knutsford Street Fremantle.

Furthermore, the other names put forward and approved by the working party members to be added to the City of Fremantle's reserve road names register are as follows;

- a. Doolya
- b. Cower
- c. Karak

Also, please note that the name Middar is not to be used.

Finally the members also wish to be informed on the further works that you intend to do in the future by way of coming back to give an update of the completion of the project.

If you have anymore enquiries regarding this letter, please do not hesitate to give me a call on 9358 7403.

Yours sincerely

Ms Gail Beck
Regional Development Unit – Manager
South West Aboriginal Land and Sea Council

**PSC1211-184 DEVELOPMENT ASSESSMENT PANELS - LOCAL
GOVERNMENT REPRESENTATIVES: NOMINATION OF FIRST
ALTERNATIVE MEMBER**

ATTACHMENT 1

Ordinary Meeting of Council -

**TITLE Development Assessment Panels - Local Government
Representatives: Nomination of First Alternative Member**

DataWorks Reference: 103/001
Disclosure of Interest: Nil
Responsible Officer: Manager Planning Projects
Actioning Officer: Manager Planning Projects
Decision Making Level: Council
Previous Item Number/s: PSC0910-187
Attachments: WAPC Planning Bulletin 106/2011- 'New legislative
provisions for development assessment panels'

EXECUTIVE SUMMARY

The purpose of this report is to provide Council with a general update on arrangements for the implementation of Development Assessment Panels later this year, and more specifically for Council to nominate elected members to serve as the local government representatives for the City of Fremantle on the relevant Development Assessment Panel.

BACKGROUND

In September 2009 the Government of Western Australia announced proposals for the introduction of Development Assessment Panels (DAPs) as part of a range of legislative and policy changes to the WA planning system. In response to a consultation paper on the proposed introduction of DAPs, the City made a submission opposing the proposals based on a resolution of Council on 14 October 2009 (refer to previous item PSC0910-187).

DAPs are a decision-making body comprised of a combination of independent technical experts and local government representatives that will determine development applications for certain types of development in place of the original decision maker (either the relevant local government or the Western Australian Planning Commission).

In November 2010 the *Approval and Related Reforms (No. 4) (Planning) Act 2010* was proclaimed. This introduced the necessary legislative amendments to the *Planning and Development Act 2005* to enable DAPs to be implemented, once regulations dealing with their administration and operation had been prepared. The relevant regulations (the *Planning and Development (Development Assessment Panels) Regulations 2011*) commenced operation on 24 March 2011, and pave the way for DAPs to commence considering development applications with effect from 1 July this year.

The WAPC has recently published Planning Bulletin 106/2011 which provides an overview of the regulations and other details of how DAPs will operate. A copy of this Bulletin is reproduced as Attachment 1 to this report.

PLANNING COMMENT

Key points to be aware of from the regulations and Planning Bulletin 106/2011 are as follows:

- DAPs will comprise of 5 members – 3 specialist members with relevant professional qualifications and/or expertise, and 2 local government representatives. The presiding member and deputy presiding member will be 2 of the 3 specialist members.
- Applications for development over a certain cost (\$15 million in the City of Perth and \$7 million elsewhere) must be determined by the relevant DAP. The only exception will be residential developments of less than 10 dwelling units and incidental development such as carports, outbuildings, etc which will continue to be determined by the relevant local government.
- In the case of development with an estimated cost of between \$3m and \$7m, at the time of lodging the application an applicant may exercise an option to have the application determined by a DAP instead of the local government.
- A Ministerial Order formally creating 15 DAPs will be gazetted on 2 May 2011. This order will set out which local government district falls within the jurisdiction of each DAP. However, it is anticipated that one DAP will cover several local government districts in the south-west part of the metropolitan area, including the City of Fremantle.
- Each local government is required to submit to the Minister for Planning nominations for 2 DAP members and 2 alternate members (who would substitute if one or both members are unavailable to attend a meeting of the DAP). Nominations must be submitted by 13 June 2011 at the latest; however the Department of Planning is keen to receive nominations as soon as possible to assist with organising training.
- DAP members (both local government and specialist members) will be required to complete mandatory training provided by the Department of Planning before attending a DAP meeting.

CONCLUSION

In order to comply with the requirements of the regulations, Council is recommended to nominate 2 elected members to serve as the representatives of the City of Fremantle on a DAP, and also to nominate 2 other elected members to serve as alternate DAP members.

The regulations cover various aspects of development application lodgement, consultation and assessment which will have implications for the City of Fremantle, and officers are currently considering these matters in more detail. Internal processes to be used in providing advice and recommendations to DAP's are currently being developed and Council will be advised of these in the near future, prior to DAPs commencing operation.

COUNCIL DECISION

MOVED: Mayor, Brad Pettitt

- 1. That Council nominates Cr Andrew Sullivan and Cr Josh Wilson as the representatives of the City of Fremantle on the relevant Development Assessment Panel, and nominates Mayor, Brad Pettitt and Cr Bill Massie as the alternate Development Assessment Panel local government members.**
- 2. That the Minister for Planning be informed of the above nominations.**

SECONDED: Cr T Grey-Smith

CARRIED: 9/0

For	Against
Mayor, Brad Pettitt Cr John Alberti Cr John Dowson Cr Josh Wilson Cr Tim Grey-Smith Cr Sam Wainwright Cr Bill Massie Cr Dave Coggin Cr Doug Thompson	

**PSC1211-185 LOCAL PLANNING POLICY 2.19 - CONTRIBUTIONS FOR
PUBLIC ART AND/OR HERITAGE WORKS - FINAL ADOPTION**
**ATTACHMENT 1 – PSC1209-156 LOCAL PLANNING POLICY 2.19 -
PERCENT FOR PUBLIC ART / HERITAGE ADOPTION FOR PUBLIC
ADVERTISING**

OFFICER'S REPORT AS CORRECTED

DataWorks Reference: 117/055
Disclosure of Interest: Nil
Meeting Date: 19 September 2012
Responsible Officer: Manager Statutory Planning
Actioning Officer: Strategic Planner
Decision Making Level: Council
Previous Item Number/s: PSC1111-194 – 23 November 2011

EXECUTIVE SUMMARY

The Minister for Planning recently refused the City's proposed percent for public art Scheme Amendment (No. 47) to Local Planning Scheme No. 4 (LPS4). This scheme amendment proposed introducing provisions into the scheme that would have required certain types of commercial and multiple residential development in specified areas to contribute the equivalent of one percent of the development's total project cost to the development of public art works.

Alternatively, the Minister suggested the provisions of the scheme amendment would be more appropriate to incorporate into the provisions of a local planning policy.

Accordingly, it is recommended the proposed provisions of Scheme Amendment No. 47 be incorporated into a Local Planning Policy. Officers propose *Local Planning Policy 2.19 – Percent for Public Art* be adopted for advertising for public comment in accordance with clause 2.4 of LPS4.

BACKGROUND

On 11 July 2012 the City received correspondence from the Western Australian Planning Commission informing the City that the Minister for Planning refused to grant final approval to the City's amendment No. 47 – Percent Contribution for Public Art. The basis for the refusal was that the proposal did not meet the requirements of the Western Australian Planning Commission's State Planning Policy 3.6 'Development Contributions for Infrastructure' (SPP 3.6) in the following manner:

1. *Public Art is not a standard item of infrastructure and does not fall within the definition of 'community infrastructure' in SPP 3.6. Accordingly, it is outside the scope of items of infrastructure for which contributions may be sought.*
2. *The proposal does not demonstrate compliance with each of the eight key principles of SPP 3.6 underlying development contributions and which contributions need to be levied in accordance with. This includes the need for public art, the nexus between development and the provision of art, the type of art required, and the terms of provision of that art. As a result, the proposal does not provide the necessary level of transparency, equity, certainty and accountability required to be demonstrated in seeking development contributions.*
3. *The Minister advises that he recognises the value of public art in enhancing public spaces as well as the importance of providing the community access to experiencing the arts. As such, the City's desire to provide for public art is acknowledged and supported. However, as mentioned above, it is considered that the proposal has not demonstrated compliance with SPP 3.6 and accordingly is not supported for inclusion in the Scheme. The Minister is aware that several other local governments, such as City of Busselton, City of Vincent, and the Metropolitan Redevelopment Authority, have local planning policies dealing with similar subject matter, and considers this may be more appropriate.*

The proposed scheme amendment would have introduced provisions into the scheme that would have required certain types of commercial and multiple residential development in specified areas to contribute the equivalent of one percent of the development's total project cost to the development of public art works.

The proposed scheme amendment was a goal of the *City of Fremantle Strategic Plan 2010 – 2015* which includes the following Strategic Imperative: 'Sustain and grow arts and culture and preserve the importance of our social capital, built heritage and history.' One of the 3 year Plans/Projects in this section of the Strategic Plan is:

- *'Stronger focus on public art, particularly sculpture – including developing a policy for percentage for art in developments.'*

The City recently adopted and endorsed Public Art Policy and the 2012-2015 Public Art Plan (Strategic and general services committee meeting, 8 August 2012).

- The *2012-2015 Public Art Plan* replaced *Making Space Creating Place 2010* and sets out a series of goals for public art including indicative budget and staff requirements for each goal.
- The *Public Art Policy* sets criteria around and enables the City to:
 - Commission public artworks throughout the City and precincts of Fremantle.
 - Work with the private sector through the Percent for Art Scheme to develop high quality public art in private developments.
 - Commission creative and flexible projects within the Public Art Program.
 - Partner with federal, state and private agencies to integrate significant art works in development projects.
 - Facilitate projects from individual artists or groups for artworks in public spaces.

CONSULTATION

If Council resolves to adopt *Local Planning Policy 2.19 – Percent for Public Art*, as recommended in this report, the amended local planning policy will be advertised for public comment for a period of not less than 28 days in accordance with the requirements set out in clause 2.4.1 of the City's Local Planning Scheme No. 4 and *Local Planning Policy No. 1.3 'Public Notification of Planning Approvals'*.

PLANNING COMMENT

In light of the Minister for Planning's refusal and subsequent suggestion that the provisions would more appropriately be dealt with in a Local Planning Policy, officers propose incorporating the proposed scheme amendment provisions into new *Local Planning Policy 2.19 – Percent for Public Art*. The new policy will provide a means of implementing the City's Strategic Plan goals, will generate funding to assist the City in providing leadership to sustain and grow arts and help to enhance public art in Fremantle.

The Local Planning Policy will require a payment equivalent to one percent of the total cost of larger scale development in any of the public contribution areas (discussed below) to be paid to the City as a contribution to be used towards the cost of commissioning and providing a public artwork in the locality. The one percent contribution is generally consistent with the state government (Western Australia State Government Percent for Art Scheme established 1989), some local governments (Cities of Joondalup, Busselton, Wanneroo, Melville, Vincent and Town of Victoria Park) and redevelopment authorities current percent for public art policies. The local government percent for art policies mostly state that the developer is to fund public art works of a value equivalent to a percentage of the total cost of the

development (mostly 1%) or provide similar value cash in lieu payments into a Council Public Art Fund. The schemes are generally applicable to all developments over a prescribed cost or size.

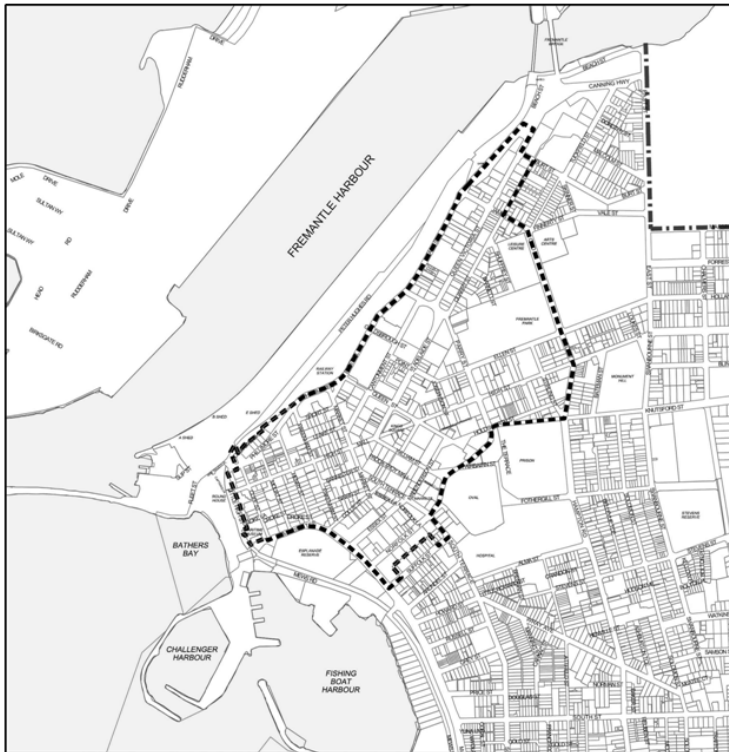
The proposed local planning percent for art policy requirement will not apply to smaller scale and lower value development, including any single houses or group dwelling developments, on the grounds that requiring contributions from such developments might be regarded as unduly onerous. Alternatively, it is considered appropriate and reasonable for major developers to contribute to the amenity of the surrounding public realm, including contributions to public art. Accordingly, the following development would be excluded from the one percent public art contribution requirement:

- (a) Single houses and grouped dwellings;
- (b) Buildings used for any industrial use class in Table 2 of LPS4;
- (c) Any development with a gross lettable area of less than 1000 sq m;
- (d) Refurbishments and change of use of existing buildings larger than 1000 sq m gross lettable area not involving substantial structural alteration, and all refurbishments to buildings with a gross lettable area of less than 1000 sq m;
- (e) Any other type of development with an estimated total cost of less than \$1,000,000.

The proposed local planning percent for art policy requirement would also only apply to development in specific areas. It is considered reasonable to only require public art contributions in areas where a development has a significant impact upon the public realm due to its size and/or proximity to locations heavily used by the local community at large, e.g. the city centre and the larger suburban district centres in the city. Consequently the proposed percent for public art requirements in the policy only apply to development occurring within the city centre and adjacent areas (including the East End) and in the larger district centres of North Fremantle, South Fremantle and Hilton, rather than to development anywhere within the City of Fremantle. This is achieved through the introduction of 'public art contribution areas' into appendix one of the policy (see areas below).

Public Art contribution areas (Appendix 1 of Proposed LPP2.19)

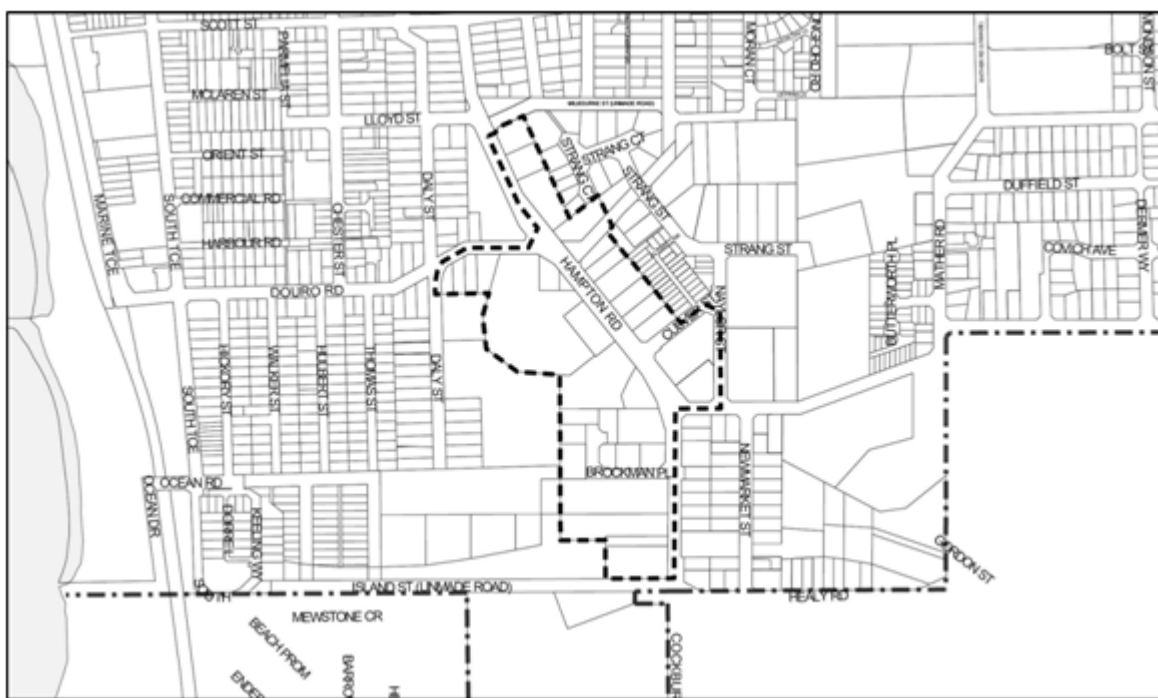
City Centre and Surrounds



North Fremantle Centre



Hilton centre



Where applicable the percent public art contribution requirement will be imposed as a condition on the Planning Approval and the contribution will go in a special fund to be used by the City for the purpose of providing public art within the locality or area of the subject site. There is provision for individual contributed funds to be accrued for more comprehensive or detailed art projects in the locality or area where Council plans for such works. The funds will be used to meet any costs reasonably associated with the Council may waive the requirement for the public art contribution in cases where a development incorporates public art work(s) to the same value in a location clearly visible to the general public, either on the site of the development or within a crown reserve adjoining or near to the development site. Where a developer takes this option the art work will still need to be submitted to Council as part of the development application for approval and the appropriateness and artistic merit of the proposed art work will be considered as part of the approval.

It is anticipated any public art plan or proposal will go through the public art process outlined in *Making Space Creating Place 2010* including gaining approval through the Public Art Advisory Group.

CONCLUSION

Proposed Draft *Local Planning Policy 2.19 – Percent for Public Art* will provide an appropriate level of percent for art contributions without being too onerous on new development. It is thought reasonable for major developers to contribute to the amenity of the surrounding public realm, including contributions to public art. The Local Planning Policy is consistent with an objective of the City's Strategic Plan and could help reinforce Fremantle's status as a unique place of cultural significance as well as generate funding to help the City provide leadership to sustain and grow arts and culture in the city.

Accordingly, it is recommended Council adopt *Local Planning Policy 2.19 – Percent for Public Art* for advertising for public comment in accordance with clause 2.4 of LPS4.

OFFICER'S AND COMMITTEE RECOMMENDATION / COUNCIL DECISION

MOVED: Cr A Sullivan

That Council adopt the following draft *Local Planning Policy 2.19 – Percent for Public Art* for advertising in accordance with the procedures set out in clause 2.4 of the City of Fremantle Local Planning Scheme No. 4:

CITY OF FREMANTLE

LOCAL PLANNING POLICY 2.19

PERCENT FOR PUBLIC ART

ADOPTION DATE: ??/??/20??

AUTHORITY: LOCAL PLANNING SCHEME NO.4

STATUTORY BACKGROUND

The Council may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area so as to apply generally or for a particular class or classes of matters (Clause 2.2.1a).

Clause 10.2 of the Scheme empowers the Council to consider a broad range of considerations and impose conditions relating to these in dealing with an application for planning approval.

PURPOSE

The purpose of this Local Planning Policy is to provide criteria upon which Council can require certain types of commercial and multiple residential development, in specified areas, to contribute a percentage of the development's total project cost to the development of public art works.

POLICY

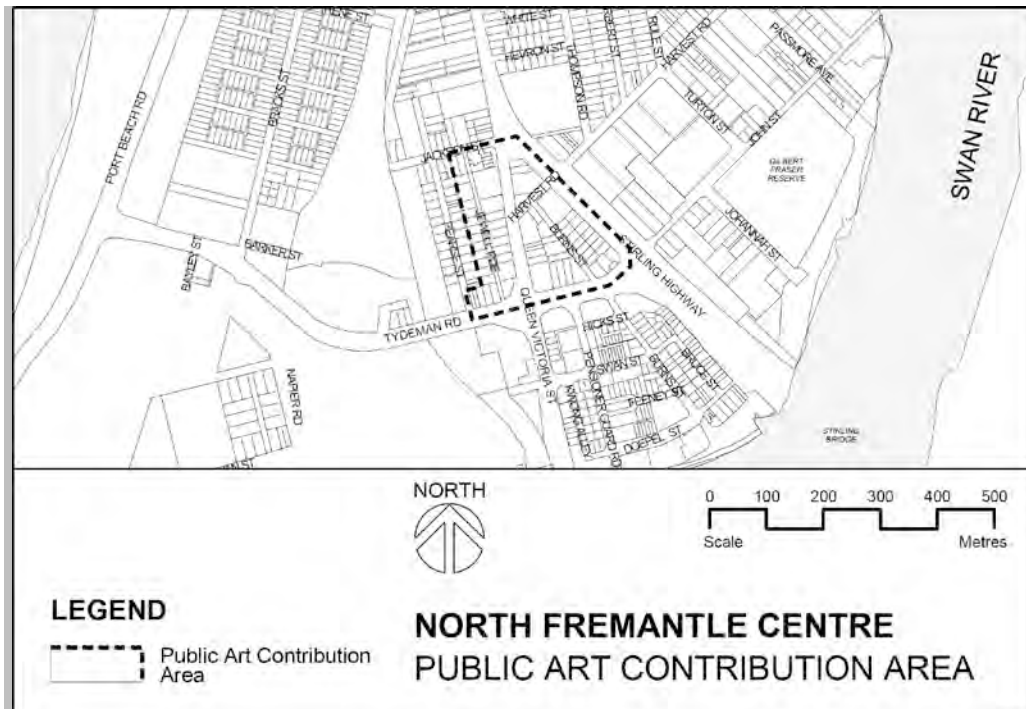
- 1. Development on land as depicted in Appendix 1 – Public Art Contribution Areas, of this policy and except as specified below in clause 2, is required to contribute a cash amount equal in value to one per cent of the estimated total project cost for the development of public art works or other works to enhance the public realm.**
- 2. Clause 1 applies to all development in the Public Art Contribution Areas (appendix 1) with the exception of:**
 - (a) Single houses and grouped dwellings;**
 - (b) Buildings used for any industrial use class in Table 2 of LPS4;**
 - (c) Any development with a gross lettable area of less than 1000 sq m;**
 - (d) Refurbishments and change of use of existing buildings larger than 1000 sq m gross lettable area not involving substantial structural alteration, and all refurbishments to buildings with a gross lettable area of less than 1000 sq m;**
 - (e) Any other type of development with an estimated total cost of less than \$1,000,000.**
- 3. The public art contribution requirement shall be imposed on applicable development as a condition on the Planning Approval. The condition shall specify that the contribution must be made prior to the issuing of a Building Permit.**
- 4. A contribution made under clause 1 shall be paid into a special fund to be used by the City for the purpose of providing public art within the locality or area of the subject site. Individual funds contributed may be accrued for more comprehensive or detailed art projects in the locality or area as outlined in a plan adopted by the Council. Funds contributed may be used to meet any costs reasonably associated with the production, installation and documentation/identification of an artwork.**

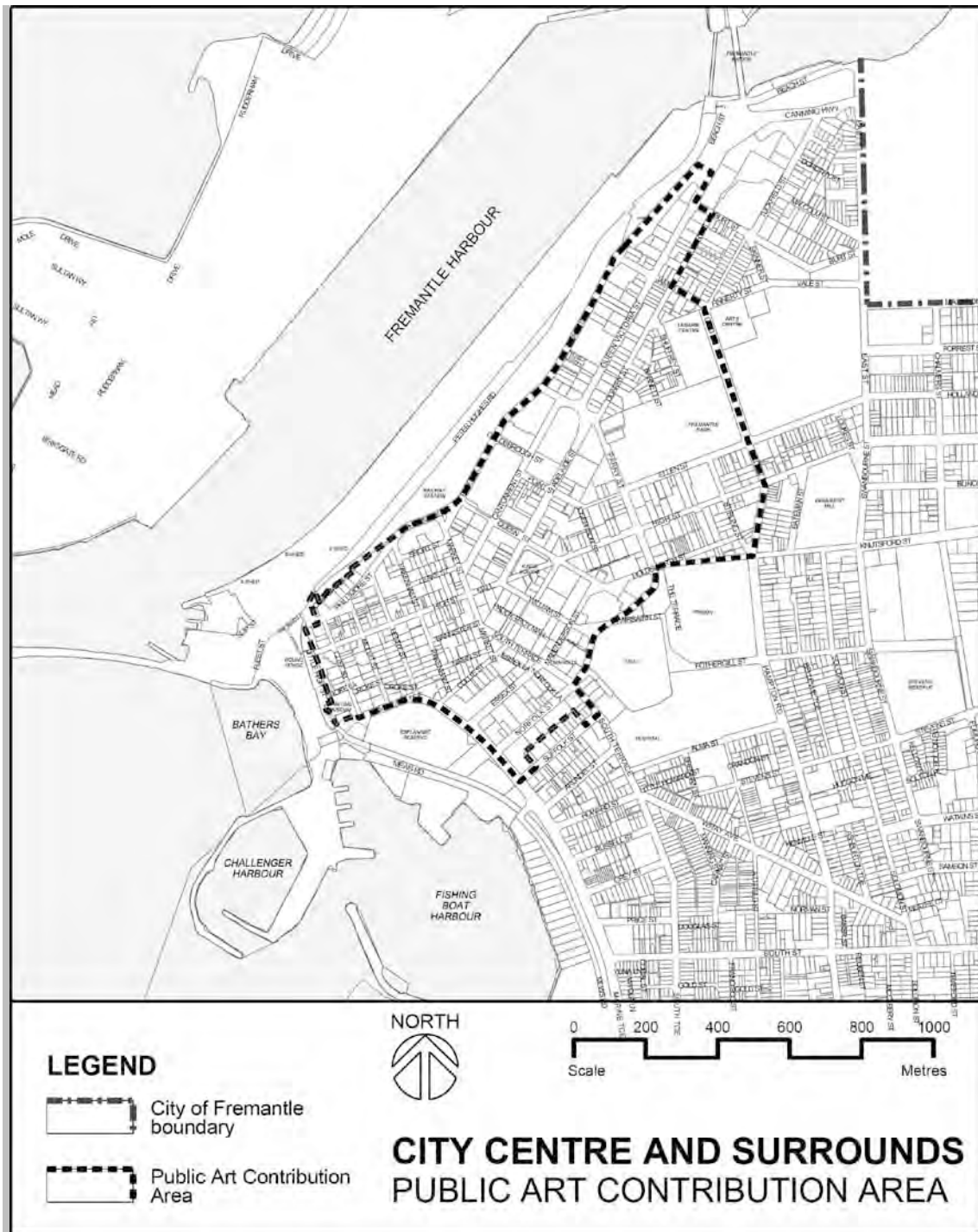
- 5. Council, in consultation with the applicant, may decide to use part or all of a contribution required under clause 1 to meet the cost of works associated with the conservation, restoration or interpretation of proximate public buildings, structures or places of cultural heritage significance instead of or in addition to the provision of public art in cases where it is satisfied that all of the following criteria are met:**

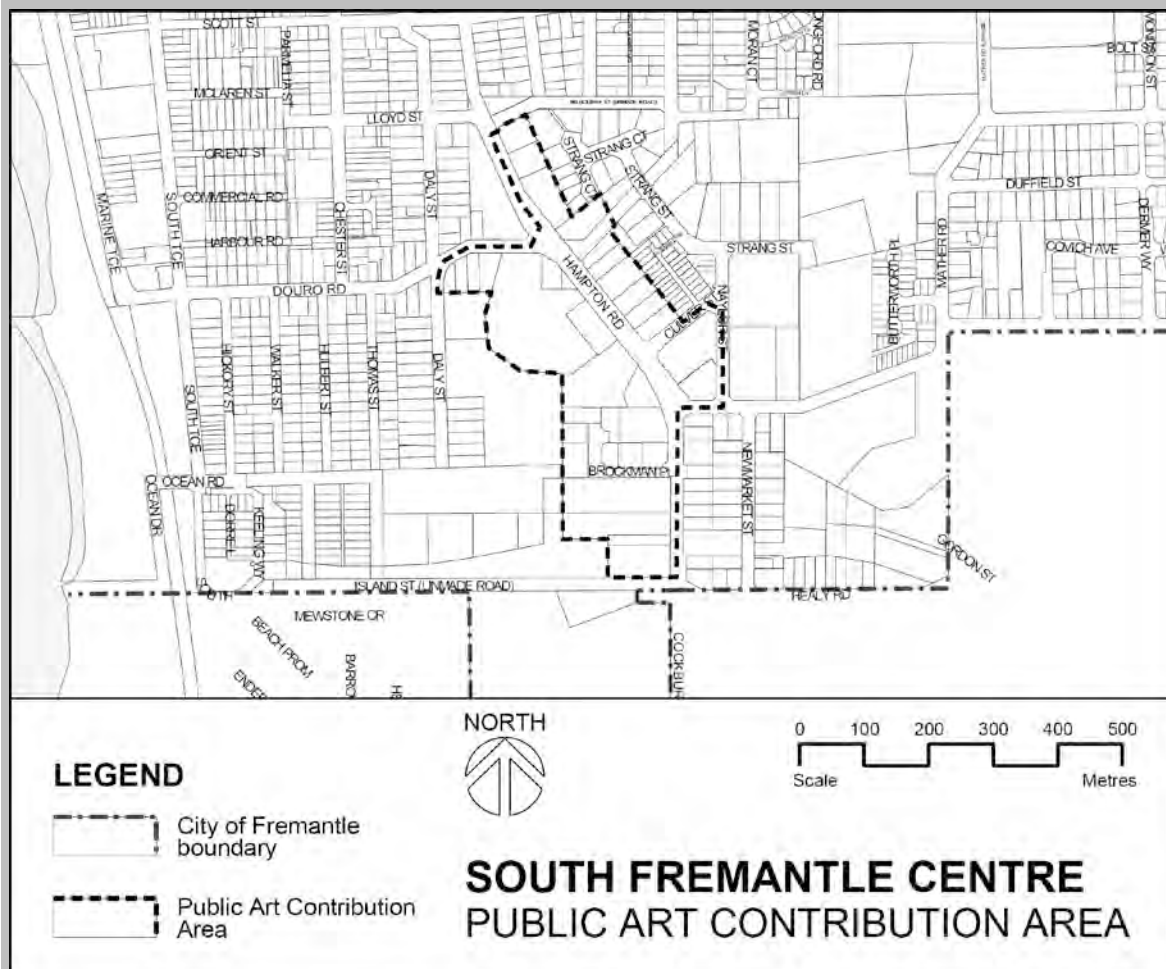
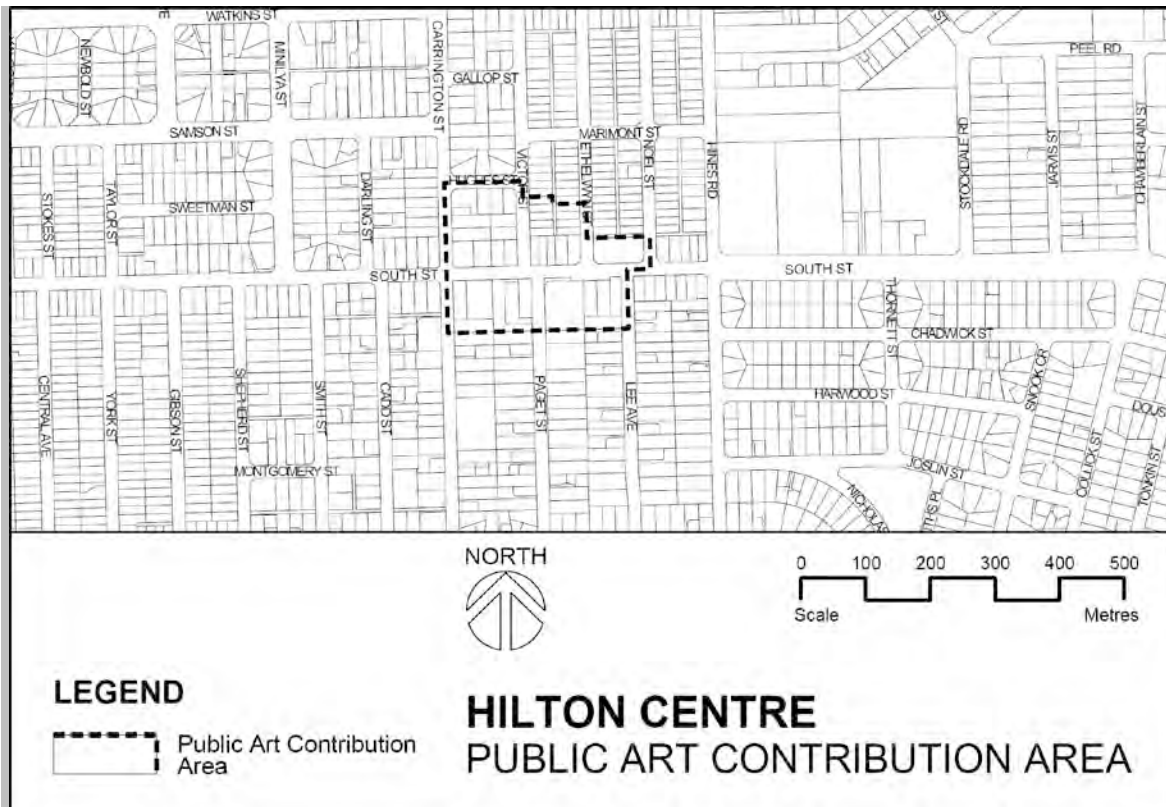
 - (a) the heritage project involves a public building or place owned by or vested in the City of Fremantle; and**
 - (b) the building or place is included on the Heritage List under clause 7.1; and**
 - (c) the building or place is located in close proximity to the site of the proposed development that generates the contribution; and**
 - (d) the works funded by the contribution create a direct improvement in the appearance and condition of the building or place in terms of its presentation to the public realm.**
- 6. The Council may waive the requirement for the public art/heritage contribution in cases where a development incorporates public art work(s) to the same value as specified in clause 1 and the art is located in a position clearly visible to the general public, either on the site of the development or within a crown reserve adjoining or near to the development site, subject to being satisfied in relation to all of the following:**

 - (a) The details of the proposed art work shall be set out as part of the application for Planning Approval. Prior to determining the application, Council shall seek relevant professional advice with regard to the appropriateness and artistic merit of the proposed art work.**
 - (b) Where the public art/heritage work is to be located on private land, the art work shall be maintained by the owner(s) of the land to the satisfaction of the Council.**
 - (c) Where the public art/heritage work is to be located within a crown reserve, the owner of the subject development is required to enter into a legal agreement with the City undertaking to maintain the work to a standard specified by the City and, if required, to temporarily remove the art work and to reinstate it (thereafter) should it be necessary to allow a public utility or service authority to carry out necessary/essential works.**

Appendix 1 - Public Art Contribution Areas







SECONDED: Cr J Wilson

CARRIED: 10/0

For	Against
Mayor, Brad Pettitt Cr David Hume Cr Rachel Pemberton Cr Josh Wilson Cr Tim Grey-Smith Cr Ingrid Waltham Cr Bill Massie Cr Dave Coggin Cr Andrew Sullivan Cr Doug Thompson	

ATTACHMENT 2 – Schedule of Submissions

1	Fremantle Ports
	Property affected: Nil
<p><i>Thank you for providing the opportunity to comment on Local Planning Scheme No. 4 – Percent for Public Art.</i></p> <p><i>We note that the proposed public art contribution areas now exclude port land. Fremantle Ports appreciates the City's consideration of feedback provided in past submissions relating to this matter.</i></p>	
Submission noted. No modifications to the policy are recommended.	

PSC1211-186 LOCAL PLANNING POLICY - PRECINCT 3 - ADOPTION FOR FINAL APPROVAL

ATTACHMENT 1 – Schedule of submissions

1	
Subject of submission:	Private citizen
Address of property affected by policy:	Nil
Submission: <i>I am for the redevelopment planning policy. I think the general concepts are good. I do hope though any decisions on height are taken with great care.</i>	

2	Fremantle Ports
Subject of submission:	Government Agency
Address of property affected by Amendment:	Nil
Submission: <i>Thank you for the opportunity to comment on Precinct 3 as part of Local Planning Scheme No. 4.</i> <i>Given that the Precinct 3 plan provides for substantial future development, increased densities and associated increases in population within the Inner Harbour Buffer Areas, assessment of any potential implications of the City of Fremantle's buffer policy should be undertaken.</i> <i>As mentioned in the draft public comment document, parts of the precinct are located within Area 1 and Area 2 of the Fremantle Port Buffer. It is envisaged that the general provisions of the Buffer Policy will apply and the appropriate conditions be placed on any development approvals; however of specific concern is the issue of societal risk criteria.</i> <i>The buffer policy currently requires proponents of residential developments in Area 1 with greater than 50 dwellings to complete a formal risk assessment to demonstrate how development will be designed and constructed to ensure that risk impacts from surrounding port operations are kept as low as reasonable practical. It would be prudent for the City of Fremantle to undertake an assessment of the impact of increased populations associated with the overall future development scenario on Societal Risk levels in order to ensure that individual high density developments will not be compromised at the time that development applications are submitted.</i>	

ATTACHMENT 2 – Local Planning Policy D.F.G21 Quarry Street, Queen Victoria Street, James Street and Beach Street Local Area

D.G.F21 QUARRY STREET, QUEEN VICTORIA STREET, JAMES STREET AND BEACH STREET LOCAL AREA

OBJECTIVE

The objectives of this policy are to:

- (i) identify suitable land uses and building controls for the policy area, such uses include those which require large areas of floorspace and benefit from exposure to passing vehicle traffic, but are not suitable for city centre locations;
- (ii) provide guidance on the appropriate form and location of residential development in the area;
- (iii) ensure development is compatible with the operational activities of the Fremantle port and with other uses in the area;
- (iv) ensure development is consistent with the desired character and scale of the area and improves the 'gateway' characteristics of Queen Victoria Street and Beach Street; and
- (v) ensure development contributes to the preservation and enhancement of the cultural heritage of the area and in particular landmark buildings.

POLICY

1. Policy Area and Scope

The policy applies to the Burt Street, Quarry Street, Beach Street, Parry Street and Queen Victoria Street area as indicated in the policy area map and has been divided into sub-precincts A, B and C (refer to Figure 1).

The provisions of this policy apply to new development only and shall not be applied retrospectively to existing development. The Council has the discretion to vary the requirements of this policy where any provision is considered to negatively impact on the amenity of the area.

2. Land Use Requirements

A mix of land use zones occurs over the area and Town Planning Scheme No.3 zone map should be consulted for the specific zoning of each site. A mix of land uses and activities, consistent with these zones, is supported in the policy area (refer to Town Planning Scheme No.3 definitions).

The Council supports residential development in the policy area due to its proximity to the city centre, public transport services and leisure facilities. All residential uses must be developed in accordance with the density coding indicated on the Town Planning Scheme No. 3 zone map, the Residential Planning Codes (R-Codes) and other relevant Council policies.

The Council will only support the following land uses in each sub-precinct (refer to Town Planning Scheme No.3 definitions):

2.1 Area A

- "Residence – private" – single, grouped and multiple dwellings (above ground floors only).
- "Residence – other" – short-term accommodation such as lodging houses, backpackers, hostels.
- "Entertainment" – restaurants, cafes.
- "Retail – local convenience" – delicatessens.
- "Retail – other"
- "Service – other"

2.2 Area B

- "Residence – private" – above ground floors only.
- "Retail – local convenience" – delicatessens.
- "Retail – other"
- "Service – other"

2.3 Area C

- "Residence – private"
- "Service – professional" – offices.

3. Built Form Requirements

Development shall be in accordance with Table 2 of Town Planning Scheme No.3, except where the Council may grant variations, in accordance with Clause 49. Variations to Table 2 are required to achieve development that is consistent with the desired character and scale of the area in order to contribute to the preservation and enhancement of cultural heritage and improve the gateway characteristics of Queen Victoria Street and Beach Street.

Development shall comply with the following requirements:

3.1 Area A

Building Height:

External walls facing the street shall be 7.5 metres in height above ground level that shall be articulated in a two-storey facade. Consideration will be given to external walls facing Beach Street to a maximum height of 14 metres above ground level that shall be articulated in a four-storey facade.

The acceptable height of buildings shall be considered with reference to the:

- average height of external walls in the sub-precinct;
- height of adjacent external walls;
- degree to which the proposed height of external walls effectively graduates the scale between buildings of varying heights within the sub-precinct; and
- conservation of the cultural heritage values of 'landmark' buildings.

Plot Ratio and Site Coverage:

A maximum plot ratio of 2:1 and site coverage of 75% will be considered where:

- carparking is provided below ground level or located internally on the lot;
- there is adequate open space for residential developments; and
- site coverage does not adversely impact on adjoining properties, particularly the solar access and amenity of residential properties.

Building Setbacks:

Buildings shall be constructed up to or close to street lot boundaries where the setback is consistent:

- to the setback of an adjacent heritage building; or
- with an established pattern of adjacent building setbacks.

Form and Streetscape Articulation:

Development should contribute to the following streetscape elements:

- parapet wall facade to street frontages with facade pediments (rather than open eaves);
- a vertical emphasis to facade openings and details that are consistent with traditional proportions and patterns of facades in the area; and
- orientation of openings, awnings, verandahs and balconies to street frontages.

3.2 Area B

Building Height:

External walls facing the street shall be 7.5 metres in height above ground level that shall be articulated in a two-storey facade. Consideration will be given to external walls facing Beach Street to a maximum height of 11 metres above ground level that shall be articulated in a three-storey facade.

Plot Ratio and Site Coverage:

A maximum plot ratio of 1.5:1 and site coverage 75% will be considered where:

- carparking is provided below ground level or located internally on the lot;
- there is adequate open space for residential developments; and
- site coverage does not adversely impact on adjoining properties, particularly the solar access and amenity of residential properties.

Building Setbacks:

Buildings shall be constructed up to or close to street lot boundaries where the setback is consistent:

- to the setback of an adjacent heritage building; or
- with an established pattern of adjacent building setbacks.

Form and Streetscape Articulation:

Development should contribute to the following streetscape elements:

- parapet wall facade to street frontages with facade pediments (rather than open eaves) to all streets except Quarry Street;
- a vertical emphasis to facade openings and details that are consistent with traditional proportions and patterns of facades in the area; and
- orientation of openings, awnings, verandahs and balconies to street frontages.

3.3 Area C

Building Height:

External walls shall have a maximum height limit of 6 metres above ground level or reflect the eaves height of adjoining properties.

Plot Ratio and Site Coverage:

As per the R-Codes for residential development and as per the Town Planning Scheme No.3 - Table 2 for "Service – professional" development.

Building Setbacks:

As per the R-Codes for residential development (variations to be considered in accordance with Council policy DBH1 Streetscape and Urban Design) and as per the Town Planning Scheme No.3 - Table 2 for "Service – professional" development.

Form and Streetscape Articulation:

Development should contribute to the traditional streetscape including:

- orientation of openings, awnings, verandahs and balconies to street frontages;
- consistency in wall heights, roof pitches, building materials and colours.

4. **Additional Requirements (all sub-precincts)**

Development should comply with the following requirements:

- minimisation of overshadowing of adjacent residential developments;
- passive solar orientation and energy efficiency;
- pedestrian access through street blocks (where identified by the Council as desirable);
- protection of significant views and vistas (where identified by the Council as desirable); and
- new display yards and showrooms should be consistent with the desired character of the area.

5. **Car Parking (all sub-precincts)**

Car parking shall be provided on-site in accordance with the requirements of Table 3 of Town Planning Scheme No.3 and the R-Codes and should comply with the following requirements:

- car parking bays should be located in a position that minimises their impact on the amenity of the streetscape, pedestrians and views and vistas. The Council may require parking bays to be located behind buildings, internally within lots or away from the lot frontages especially lots fronting Queen Victoria Street.

6. Conservation of Places of Cultural Heritage Significance

The conservation of the cultural heritage of places, objects and things is required in accordance with the provisions of Town Planning Scheme No.3 and Council policies. All applications for development on or adjoining sites cultural heritage significance registered on State heritage lists, will be referred to the Heritage Council of Western Australia in accordance with the requirements of the Heritage of Western Australia Act 1990.

Applicants are advised to seek advice from the Council in relation to the heritage value and issues associated with existing buildings in the policy area.

7. Other Matters

- 7.1 Other Council policies may apply to applications for development in this area and advice in regard to a specific application should be sought from the Council prior to lodgement.
- 7.2 Applicants should note that this area contains commercial activities and is located adjacent to a major sea-port that operates 24 hours per day. As such, noise attenuation measures such as acoustic glazing etc. should be considered for developments, especially residential developments.
- 7.3 Where development applications include enhancement of streets in the area, such works shall be consistent with the Council's streetscape requirements.
- 7.4 The impending Fremantle Port Authority Buffer Definition study may result in the requirement for specific building design treatments in some parts of the policy area, particularly with regard to residential uses adjacent to the port.

However, applicants may want to investigate incorporating the following risk reduction measures:

- all openable doors and windows to have seals
- split system air conditioning (no intake of fresh air), a single readily accessible and easily operable shutdown point
- laminated glass and/or glass blocks in openings

- windows facing the port being non-opening or minimising the number of windows facing the Port
- connection of phone lines to the Fremantle Port Authority PC cops automatic message telephone system
- clearly displayed emergency response procedures within buildings

Related Policies:

D.D3 Appropriate Uses for Showroom/Warehouse Units Located on Major Traffic Routes in Industrial and Inner Urban Areas

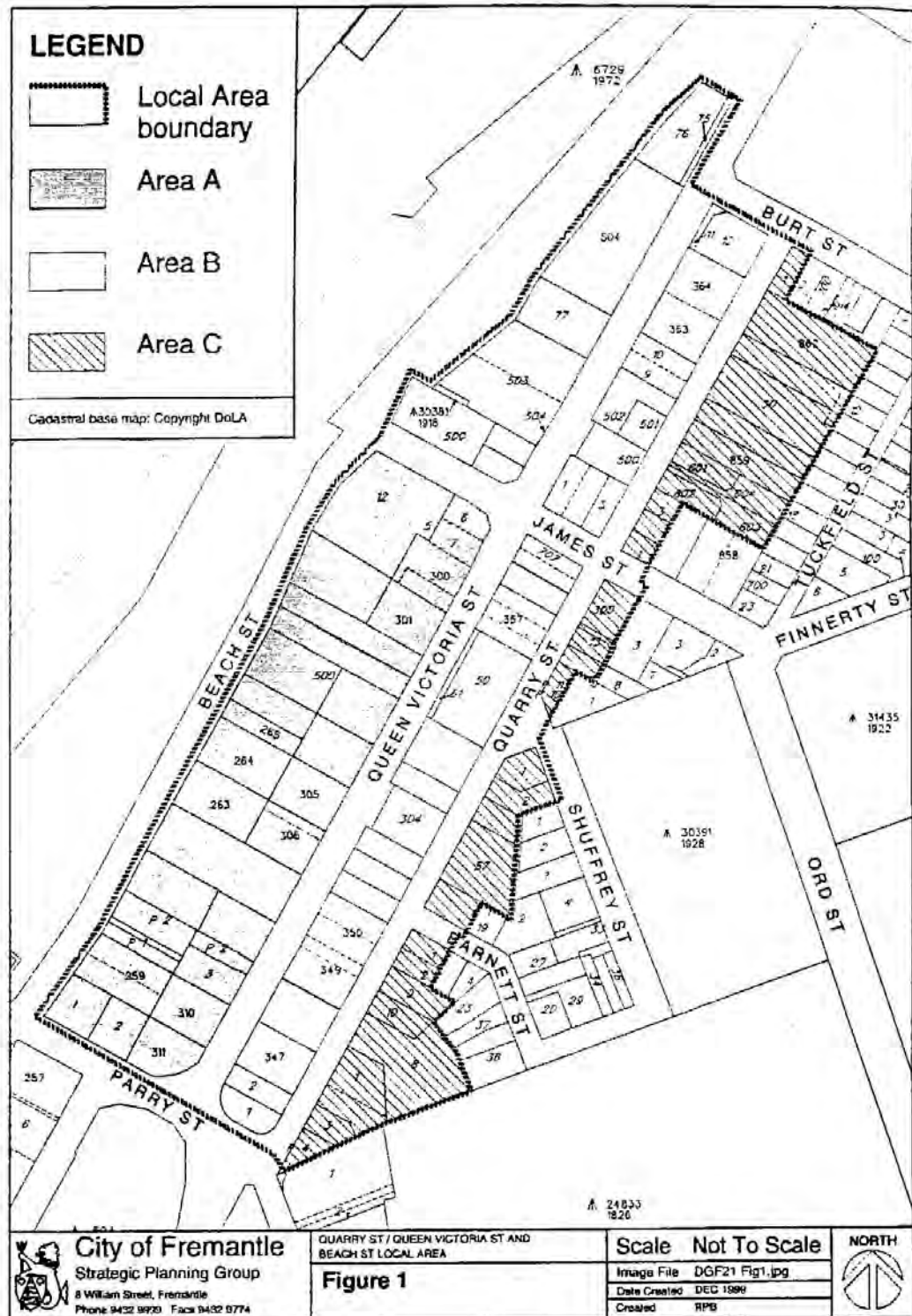
D.B.H1 Urban Design and Streetscape Guidelines

D.B.H6 Signs and Hoardings

D.B.H8 Colour Schemes in Fremantle

D.B.H9 Procedures for Recording and Assessment of Places of Heritage Value

D.B.H10 Preservation of Cultural Heritage



Adopted: 15/12/80
Amended: 20/10/86, 20/3/00

**PSC1211-187 LOCAL PLANNING POLICY - PRECINCT 5 - ADOPTION FOR
FINAL APPROVAL**

ATTACHMENT 1 – Schedule of submissions

1	
Subject of submission:	Private citizen
Address of property affected by policy:	Nil
<p>Submission: <i>I am for the redevelopment planning policy. I think the general concepts are good. I do hope though any decisions on height are taken with great care. I went on a holiday this year and in London and Paris and it was noticeable that although there are consistently multi-storey buildings because they are all similar and not overly high the city streets are still pleasantly open. Fremantle has been getting a little tired of late, it could be made the Paris of Perth. Where you just want to hang out in the streets, open areas and just soak it up. I think even without the shops people like to spend time in Fremantle because it has character which is unique in a new city like Perth. I don't think we need to compete with Garden City so much as being a pleasant place to spend time that might include a bit of shopping but isn't the only or main reason why you go. From what I read I think that care for retaining the streetscapes particular vintage as well as introducing flowing pedestrian paths through the town of Fremantle is spot on. My only other concern with how the redevelopment is carried out, may be covered in the planning policy somewhere but I am not sure. I expect there would have to be a lot [of] soundproofing included in housing development. Or policy about not buying somewhere inner city and then shutting down places due to noise. For example I believe the Swan Brewery site restaurants etc are restricted in running their businesses by tenants complaints about noise. I have taken this opportunity to comment because I think the redevelopment is a great opportunity if planning decisions are made with a clear consistent vision.</i></p>	

2	Fremantle Ports
Subject of submission:	Government Agency
Address of property affected by Amendment:	Nil
<p>Submission: <i>Thank you for the opportunity to comment on precinct 5 as part of Local Planning Scheme No. 4.</i></p> <p><i>As mentioned in the draft public comment document, parts of the precinct are located within Area 2 of the Fremantle Port Buffer, where new developments are to meet the built form requirements as specified in the City of Fremantle's 'Fremantle Port Buffer Development Guidelines'.</i></p> <p><i>It is important that the built form requirements for any future developments within this precinct are adhered to, thus it is envisaged that the general provisions of the Buffer Policy will apply and the appropriate conditions be placed on any future development approvals located within the buffer in precinct 5.</i></p>	

3		
Subject of submission:	Private citizen	
Address of property affected by policy:	Nil	
<p>Submission: <i>From what I have witnessed in Precinct 5, compared with what has been put forward by the council, I am personally all for the proposed changes. I believe with a more current, broader as well as structure plan [we] will see all parties involved in the area benefit. Added density done correctly, like is seen in so many other advanced western economies will see greater numbers of residents, influx of amenities, reinvigorated business life as well as breathing new life into what is currently a very tired area of Fremantle. I cannot wait to see the result of this in the coming years (as well as being involved in its transformation).</i></p>		
4		
Subject of submission:	Private citizen	
Address of property affected by policy:	Nil	
<p>Submission: <i>Area A – Contemporary Influence</i></p> <p><i>Desired Character</i></p> <p><i>I have to disagree with the view that this area exhibits no strong unifying character. With the exception of the Church and heritage buildings, and for the fact that all buildings in this area vary in size and/or height, they are all without exception cheap, functional, drab and mediocre.</i></p> <p><i>I agree with the visions for area C proposed in your document, except for the 3rd point (quote)</i></p> <p><i>“A functional and working purpose, rather than being over-refined or decorative, and incorporating the use of robust and utilitarian materials with natural finishes”</i></p> <p><i>It is restrictive and narrow minded, and makes the assumption that over-refined or decorative is not necessarily a good thing.</i></p> <p><i>It can also be interpreted as a description of the existing buildings as they are now. Nearly all buildings in area C are functional and have a working purpose, rather than being over-refined or decorative, and incorporate the use of robust and utilitarian materials with natural finishes.</i></p> <p><i>What can be more robust and utilitarian than the bricks of Johnson’s Court.</i></p> <p><i>This is precisely the area where we can have the opportunity for amazing architecture. Truly artistic, jaw dropping buildings, the sort that will make people walk the length of Adelaide Street all the way to the East End.</i></p> <p><i>Council must really rise to the challenge instead of reverting to safe, more of the same type of vision.</i></p> <p><i>In my opinion the DESIRED CHARACTER for area C has not been addressed properly, and in its present form does not promote significant change.</i></p>		

ATTACHMENT 2 – Local Planning Policies to be revoked



HIGH, PARRY, HOLDSWORTH AND QUEEN STREETS LOCAL AREA

OBJECTIVE

The objective of this policy is to facilitate the integrated and best use of the above land in the context of the efficient functioning of the city as a whole.

POLICY

1. Land Use

The preferred predominant use is administration (that is, offices). Alternative uses are professional and commercial services, ancillary retailing and residence (on upper floors). Inappropriate uses include all other forms of retailing, except at the King's Square end of the block.

2. Intensity

The acceptable limits are a plot ratio of 1.5, a height of three storeys and a site coverage of 50%.

3. Built Form

The preferred form is a continuous street frontage comprised of buildings of modest height and scale built to the boundary; facades not demanding attention but offering the eye some complexity of detail of decoration; solid walls suggesting a pleasant, peopled interior and enclosing an entrance space or spaces and rooms with windows of traditional proportions.

4. Open Space

Open space is to be provided behind the buildings so as to create opportunities for its reorganisation to provide limited parking spaces together with a large, integrated pedestrian space available to the occupants of the buildings and the public.

5. Circulation

Service access to most properties will be provided by a right of way running from Holdsworth Street to Queen Street.

6. Lot Boundaries

The Council will encourage and facilitate the reorganisation of lot boundaries to better enable the foregoing policies to be achieved.

Adopted: 19/4/82



FREMANTLE GAS AND COKE COMPANY SITE - 2-12 CANTONMENT STREET & 6-10 ELDER PLACE - FREMANTLE

OBJECTIVE

The objective of the policy is to offer guidelines for the future development of the Gas and Coke Company site so as to contribute to the character of the surrounding area without dominating or changing the historical and visual elements of the locality.

POLICY

1. The Site

The existing Company offices are located on part of Lot 243 (582 square metres). New Gas Company offices are proposed for Lot 244 (1,282 square metres) with Lot 3 of Lot 230 (589 square metres) being used to provide access and parking from Elder Place. Lots 231, 232, 245 and 246, totalling 4,460 square metres will be available for development. This development site is adjacent to the existing Elders Woolstores. The site is addressed to 2-12 Cantonment Street, 4-12 Market Street and 6-10 Elder Place.

The site in question is strategic, being the edge of the Central Business District at one stage, close to the retail core and adjacent to the principal commercial and financial district of the city. The Council's policies for the city as a whole will ensure that the site's strategic importance will be maintained.

2. Future Development

- 2.1 The functional and visual impact of any proposed development needs to be carefully considered in relation to its surrounds.
- 2.2 The Elder Place frontage should relate to the height of the woolstores and reduce height and bulk at the Market Street end.
- 2.3 The Cantonment Street frontage should help to define – without overwhelming – what is potentially a very attractive street, which in the future will be primarily for pedestrians. There should therefore be no vehicular access from Cantonment Street.
- 2.4 All vehicular access for parking and servicing should preferably be from the northern corner of the site on Elder Place.
- 2.5 Car parking should be provided in a basement carparking garage.
- 2.6 An important element in the design of the development should incorporate a physical and visual connection along the Queen Street alignment to the station. Preferably, provision should be made for a pedestrian and public transport accessway to connect Cantonment Street with Elder Place along the alignment of Queen Street. The desired accessway reserve should be ten metres wide with a minimum reserve width of five metres. This

would mean that provision should be made along the northern boundary of part of Lot 246 for a five metre wide accessway reserve which will be increased by five metres should the Elders Woolstore on the other half of Lot 246 be re-developed. Preferably, a corresponding reserve through the middle of Lot 232, ten metres wide, should be provided.

- 2.7 Should the provision of such a wide visual and physical extension to Queen Street prove untenable, the minimum requirement should be a pedestrian arcade through the development, to link Cantonment Street with Elder Place, more or less along the alignment of Queen Street.

3. Form of Development

- 3.1 The height of any building on this site should be between two and four storeys with two storeys being more appropriate along the Cantonment Street frontage and higher parts of the building along Elder Place.
- 3.2 The floor area ratio for the site should not exceed 2.0.
- 3.3 The minimum onsite car parking requirement should be for 50 cars. There should be no restriction as to the maximum number of car parking bays, provided that the design of the basement garages and access points are compatible with the development.
- 3.4 The building, or buildings, should be developed with dual frontages to face both Cantonment Street and Elder Place. A commercial frontage should be developed on Cantonment Street, with the internal design flexible enough to permit a range of commercial usage. The Elder Place frontage should take cognisance of the proximity of the railway station and the fact that Elder Place/Beach Street is likely to become a main entrance into the city.

4. Architectural Style

- 4.1 While encouraging innovative architectural design, the Council will ensure that the style of any building is sympathetic to and in harmony with the existing architecture of the city. This is primarily small scale with the emphasis in the treatment of facades being vertical rather than horizontal. Emphasising the scale or the bulk of the building should be avoided. Imposing or dominating architecture is not appropriate to Fremantle where character is determined by harmonious streetscapes rather than diverse and unrelated building systems.
- 4.2 Care should be taken in the choice of materials with preference being given to limestone, stone or brick of appropriate colours. The use of off-shutter or prefabricated concrete should be handled with great care.

Adopted: 20/2/84

D.G.F17 NORTHERN WOOLSTORES - 38 CANTONMENT STREET, FREMANTLE
(F.T.L.'s 252 to 257 INCLUSIVE, 238, 239, 312 and 875)

OBJECTIVE

To ensure that any development of the buildings or site of the Northern Woolstores (refer to Diagram 1 for locality) extends, reinforces and contributes to the functional structure, physical form and heritage character of the city centre whilst not decentralising the retail activity from the central core area.

Secondly, to encourage the development of uses which will benefit from and reinforce Beach Street/Elder Place's character and function as a river front forming an edge between the city centre and the port related environment of Victoria Quay and the river. Also to ensure that this character is retained independent of any future development of Victoria Quay.

POLICY

1. The Council will make every endeavour to assist in any proposal to retain and recycle the existing woolstores. In particular, the Goldsborough woolstore which was constructed in c1927 shall be retained and sympathetically adapted for a compatible use(s).
2. A development plan and a timetable for implementation of the redevelopment of the site(s) shall be submitted.

The development plan shall incorporate details of:

- the distribution of proposed land uses on the site;
 - the positioning of the building(s) on the site.;
 - the architectural design and treatment of the building(s), height of buildings and any spaces between them including landscaping proposals;
 - the provision of on-site parking; and
 - a timetable for implementation of the plan.
3. Height is a critical element in the streetscape and environment of the city, and must conform to the present scale of the city centre. The height of any new buildings should:
 - be compatible with the Goldsborough woolstore (c1927);
 - form the edge between the river shore and the city; and
 - form, in urban design terms, appropriate 'walls' to Princess May Park. (A minimum of three storeys and a maximum of five storeys are recommended heights.)
 4. Buildings will maintain the present streetscape character by being built to the boundaries, particularly along Cantonment and Parry Streets and around the corner of Parry Street and Elder Place (Beach Street).

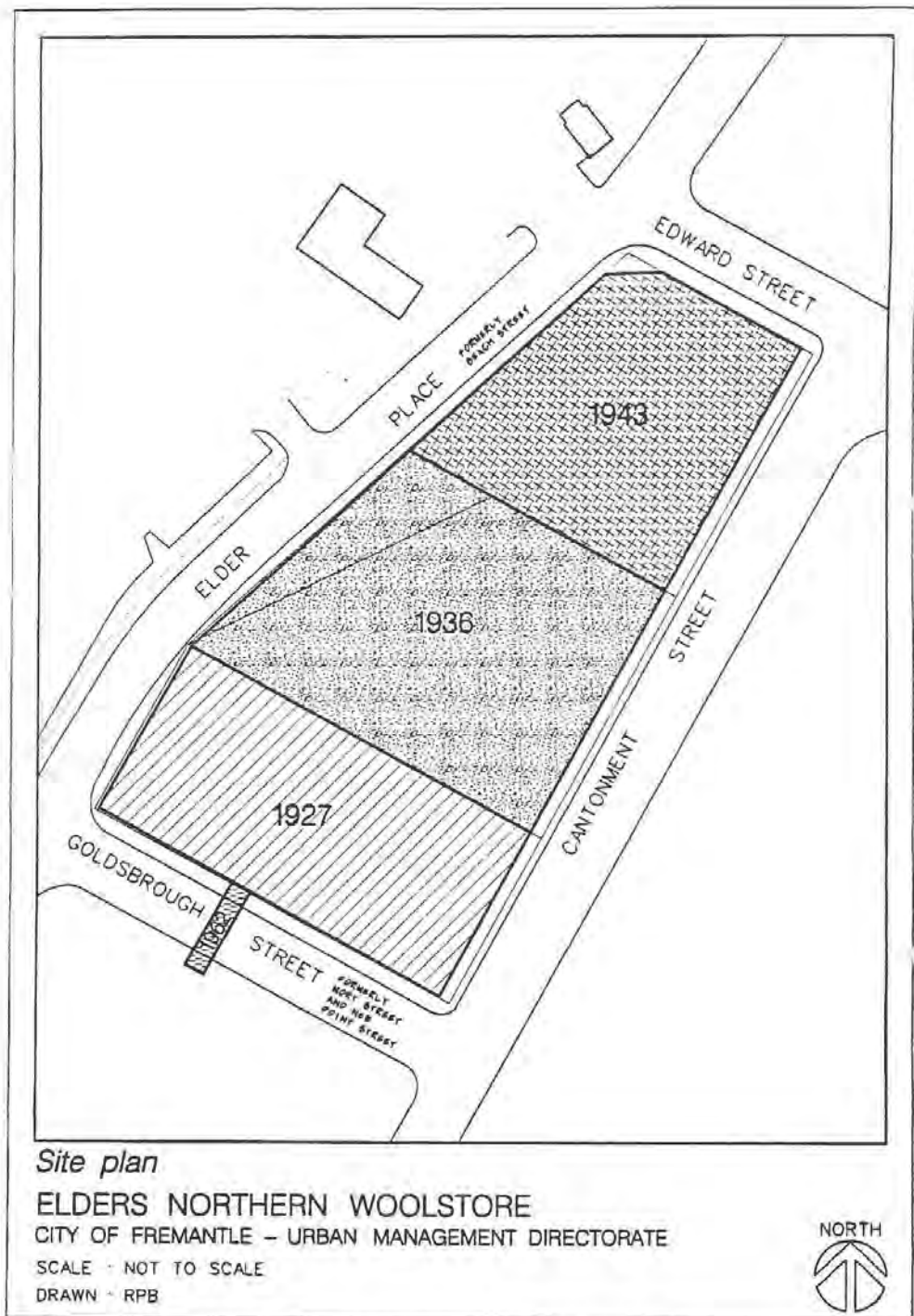


Diagram 1 Northern Woolstores - Locality and History.

5. Building form, style and use of materials should be in character with the Goldsbrough woolstore and other surrounding industrial buildings of Beach and Queen Victoria Streets. Frontages to Elder Place (Beach Street) should architecturally reinforce and enhance the river front character of the streetscape. The development should also be sympathetic to the existing character of the former educational precinct of the City which is bounded by Cantonment and Parry Street and the Port Cinema.
6. Should the demolition of any part of either the 1930's or 1940's sections of the existing building be proposed, development should, whenever possible, salvage and recycle significant features of the existing buildings such as windows and doors, gates, lifting loft joinery and equipment, vents and columns.
7. Should a new development consist of a number of separate frontages, the separation between buildings or major structures fronting onto the existing streets will not exceed half of the total length of the 1927 Woolstore's Cantonment Street or Elder Place facade.
8. Uses which are considered as appropriate for the site are most types of commercial, leisure and multiple residential uses which would not result in the decentralisation of the retail activity of the central core area. Open sales yards, single residential development, general industry and noxious industry will not be supported.
9. Access to on-site parking areas shall be predominantly from Elder Place (Beach Street) so that Cantonment Street will be retained as a predominantly pedestrian friendly thoroughfare.
10. An above ground pedestrian link between the existing parking station adjacent to the Coles shopping centre and the recycled 1927 Woolstores will be considered by the Council.

Adopted: 19/3/84

Amended: 18/1/88, 18/7/88 AND 21/6/93



**PRINCESS MAY PARK - 1 PARRY AND 92 ADELAIDE STREETS,
FREMANTLE**

OBJECTIVE

The objective of this policy is to:

- (i) create an awareness of the Local Area's heritage, its existing character and forming elements amongst the community, developers and designers,
- (ii) preserve and enhance the historic built environment of the Local Area ensuring that the elements of the area which are of particular architectural, historic and townscape importance are retained without detriment to their ability to contribute to the everyday functions of the area.
- (iii) encourage sympathetic re-development and discourage development which would be detrimental to the recognised qualities of the area.
- (iv) provide guidance for the exercise of the Council's discretionary powers under Town Planning Scheme No. 3.

POLICY

1. In considering development proposals within the Local Area, the Council will ensure that all significant elements of the townscape in and around Princess May Park will be retained, restored and enhanced. All works of restoration and enhancement will be judged in terms of their character and appearance of:
 - the area as a whole; and
 - adjoining buildings and sites.
2. Possible reconstruction of the form of St Joseph's convent buildings in the Adelaide Street may be considered as an option as it would reinstate the complete historic unity of this Local Area. Such reconstruction should be based on full scientific evidence (original working drawings). If original working drawings are not available then a new building of high standard modern design compatible with the character of the area will be considered more appropriate.
3. The Council will actively encourage a suitable infilling of the vacant or underutilized blocks as well as possible replacement of more recent buildings which detract from the existing urban character and its heritage values (Coles supermarket, 1960's section of the Northern Woolstore).
4. New infill or replacement buildings will be permitted only on the eastern side of Adelaide Street and western side of Cantonment

Street providing that the 1927 Goldsbrough Woolstore is retained and restored.

5. Compatible infill building should be judged by the following criteria:
 - the urban quality and character of this section of Adelaide Street; and
 - its interpretation and enhancement of the cultural significance of the area.
6. New buildings should be a minimum of two storeys and a maximum of three storeys in Adelaide Street and a maximum of four storeys in Cantonment Street to maintain the down-town character and a 'framing' role to Princess May Park.
7. No permanent structures will be permitted on the park grounds except possible reconstruction of the limestone boundary wall along Cantonment Street, public art and other built structures as per the approved concept plan as referred to in Item UM109 of Council's resolution dated 17 July, 1989.
8. Landscaping and upgrading of Princess May Park should comply with the Council's Stages 2 and 3 of the 'Princess May Park Upgrading Plan'.
9. Street furniture, including lighting, should be prominent and suited to the street character. The illumination of buildings at night should be encouraged.
10. Uses in the Local Area should respect and interpret the historic urban, social and economic patterns of the area. The permissible uses which the Council would consider would be broadly interpreted as 'educational' or 'religious' uses.
11. The Council will assess movements in this Local Area in cognisance of the West End Conservation Area Policy but greater flexibility and discretion will be exercised to assure a smooth and easy traffic access to the City.

Adopted: 17/7/89
Amended: 18/9/90

D.G.F23 KING'S SQUARE - BOUNDED BY ADELAIDE, NEWMAN, QUEEN AND WILLIAM STREETS, FREMANTLE

OBJECTIVE

To enhance and improve the physical environment of King's Square as well as providing a vital focal facility for the public to be used for entertainment, business and recreational activities.

POLICY

1. King's Square Strategy

The intention of this strategy is to:

- a) recognise King's Square (Refer to Diagram D.G.F23a) as the most formal of the city squares, a dignified civic central place of Fremantle;
- b) provide the Council with consistent guidelines for the continuous upgrading and maintenance of King's Square where every new development identifies and enhances its status;
- c) provide the Council with consistent guidelines for the allocation of space for different activities within King's Square; and
- d) permit a variety of activities to occur within King's Square appropriate to King's Square's status, and to encourage the use of the Square for cultural, ceremonial and other public events in particular.

2. Vehicle Movements

Of five once trafficable streets within and around the Square, two (High Street and Newman Street) are closed to vehicular traffic.

There is a provision for short term on-street parking in trafficable streets. The potential exists for Paddy Troy Mall and Cantonment/ Adelaide city block to provide future servicing to the activities facing the Square.

Public transport in the Square is limited to a taxi rank in Adelaide Street and the Fremantle Tram.

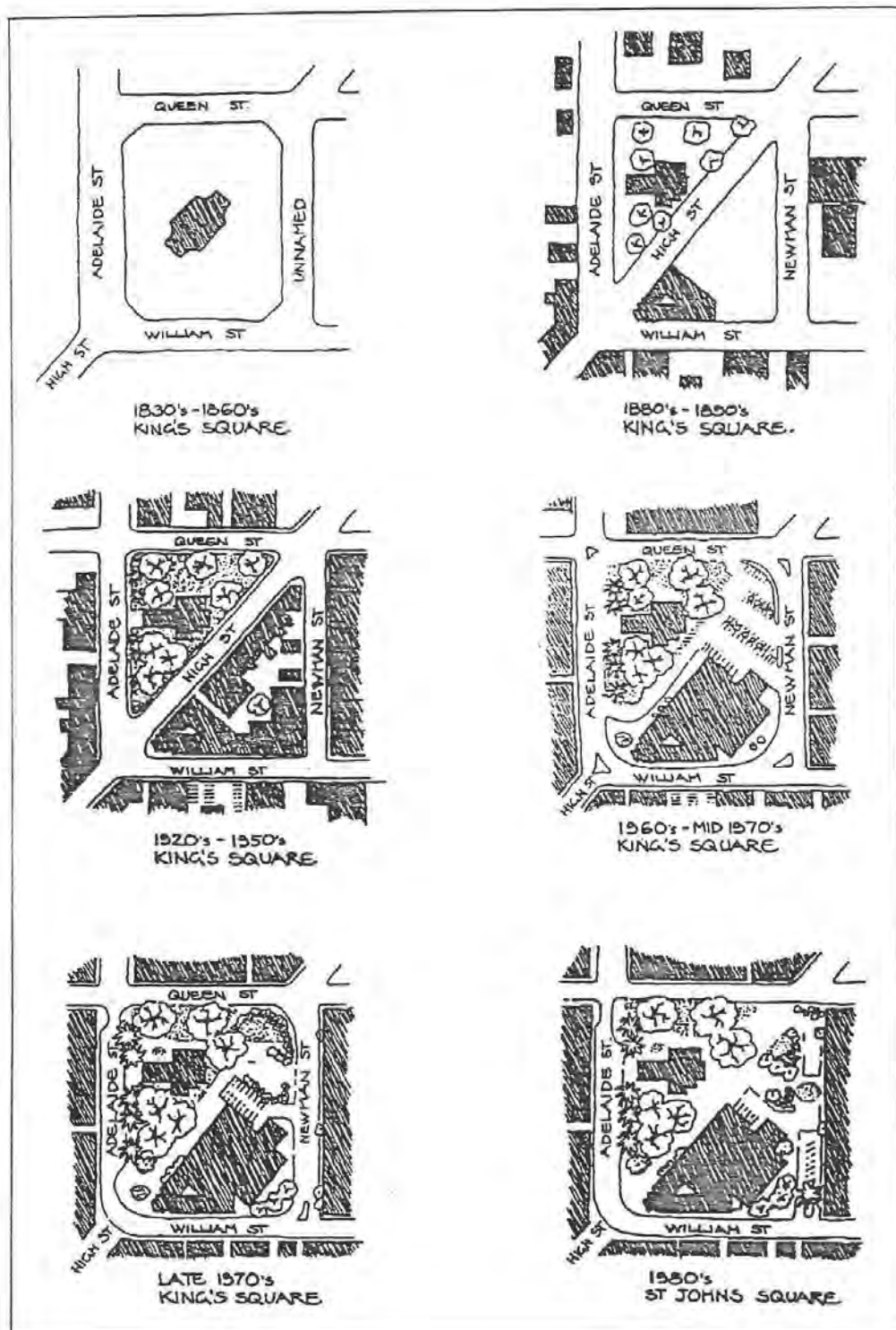


Diagram D.G.F23a Locality, Layout And History Of King's Square

3. Areas And Activities

Listed below are the proposed names for the existing identified 'enclosures'. These names have been included for easy reference rather than to emphasise the importance of the name itself. The proposed naming therefore retain the existing principal name of the Square while adding to it a secondary name defining the location ('enclosure'). It is proposed that these names (or any agreed alternative) be adopted and used not only to define a specific location within the Square but also as a postal address. The address would be defined in the following manner:

- King's Square/St Johns Church South
- King's Square/St Johns Church North
- King's Square/The City Place
- King's Square/Newman Court
- King's Square/Town Hall Forecourt

The existing streets, such as William and Queen Streets, should retain their present addresses and names. If the status of the street would change in the future, the above suggested naming could easily be adopted.

A schedule of the proposed names is shown on the attached plan (Refer to Diagram D.G.F23b) and the proposed names are listed below.

3.1 The Town Hall Forecourt

Potential for Upgrading

The opportunity exists to allocate space for trading activities either further towards the centre of the High Street Mall or within King's Square in a more appropriate and less visually obstructive location. Such change would add to the perception of the Town Hall Forecourt being what the name suggests - a forecourt to the Town Hall.

An opportunity also exists to upgrade the presentation of these temporary stalls by having two of the small demountable stalls designed by the Council (Refer to Diagram D.G.F23c and D.G.F23d), built at a cost of approximately \$700 each and renting them out to groups at perhaps \$10 a day. This would provide some uniformity of design consistent with the objectives of the Square.

Other elements of the urban concept which have not been completed for this area, include the construction of a poster pavilion which would define both the south-east corner of Adelaide Street and the Town Hall Forecourt. The poster pavilion would visually counter balance the Town Hall Tower which at the moment dominates one side of the existing space emphasising the bleakness of the Adelaide Street side. The poster pavilion would also serve a useful purpose of providing information and promoting current cultural events in the City.

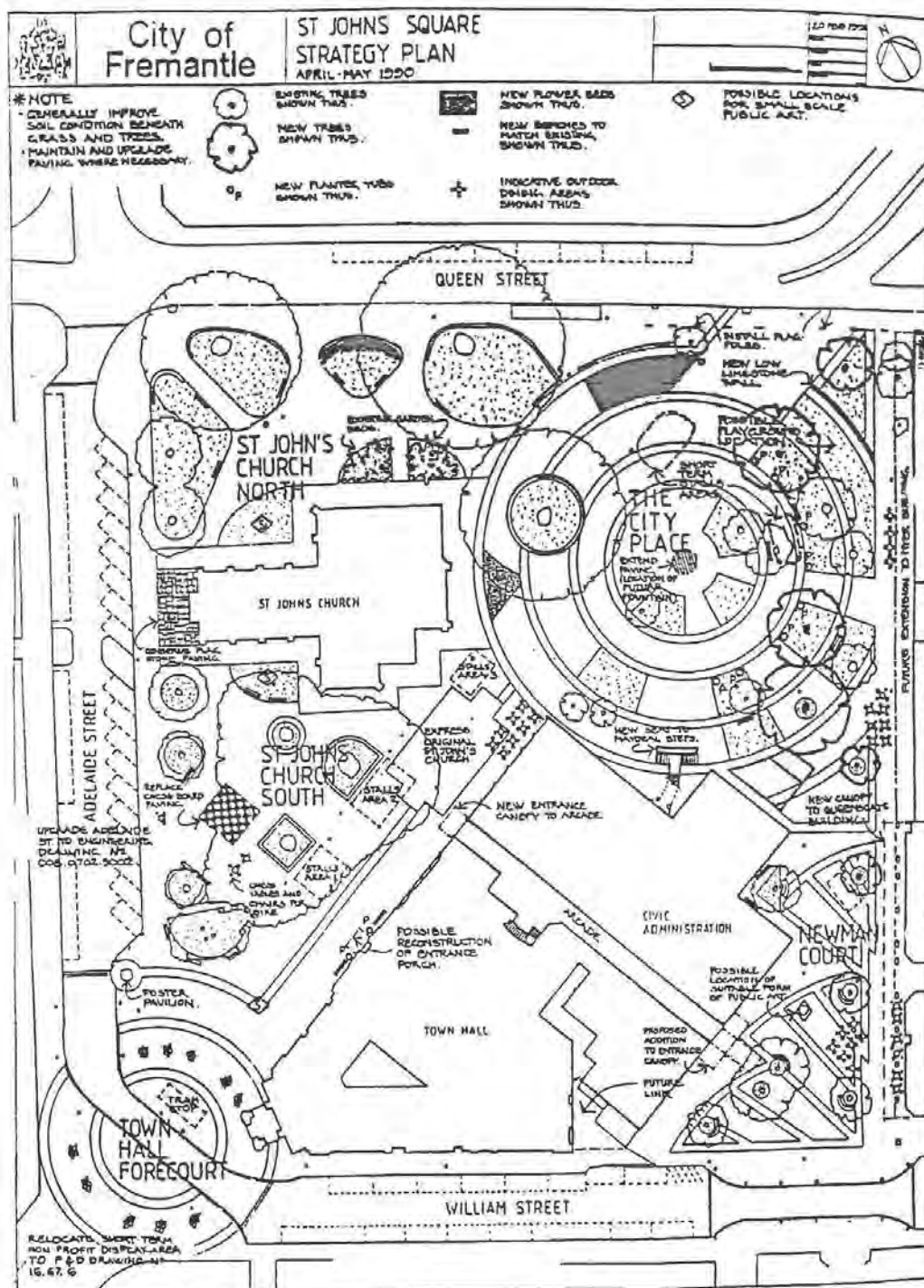


Diagram D.G.F23b Strategy For King's Square

3.2 St Johns Church - South

Potential for Upgrading

It is desirable to limit the number of stalls in the Square to prevent the Square from having an appearance of a cluttered market place rather than an attractive civic space. At the same time the High Street section of the Square has retained its former appearance of a street with the attractive shopfronts of the Town Hall and Civic Administration Centre. Trading stalls on the west side of the street would have the potential to reinforce the street's image and would add some "window shopping" attraction to passers-by. The Council should have stalls for hire to ensure the uniformity and attractiveness of trading activities in the Square (Refer to Diagram D.G.F23c and D.G.F23d).

The central area of St Johns Church South attracts most of the cultural activities in the Square. The Council should continue to investigate opportunities to increase the level of artistic and cultural activity within the Square as these are most typical of the activities one would expect to find in a city square.

These activities may include poetry reading and games boards, chalk pavement art, outdoor art displays, weekly music concerts and chess. The area is attractive because it is shaded with plenty of seating. It may be desirable to provide more seats as the patronage of the area increases.

3.3 City Place

Potential for Upgrading

City Place is appropriate for cultural activities which require a large space, such as large musical concerts in front of the Mayoral steps. The lack of shade and seating prevents it from being an attractive space for events to be held, especially in summer. Until the trees have grown sufficiently to provide shade, canopies either fixed into position or temporarily erected, would be required to utilise this portion of the Square. The City Place is not appropriate for trading stalls as its status of a dignified civic space clashes with that of a market place.

The use of the City Place would be enhanced by the establishment of an outdoor dining area along the front of the Myer building. The Council should continue to co-operate with the owners of the Myer building on the implementation of the proposal of extending their building into the Square.

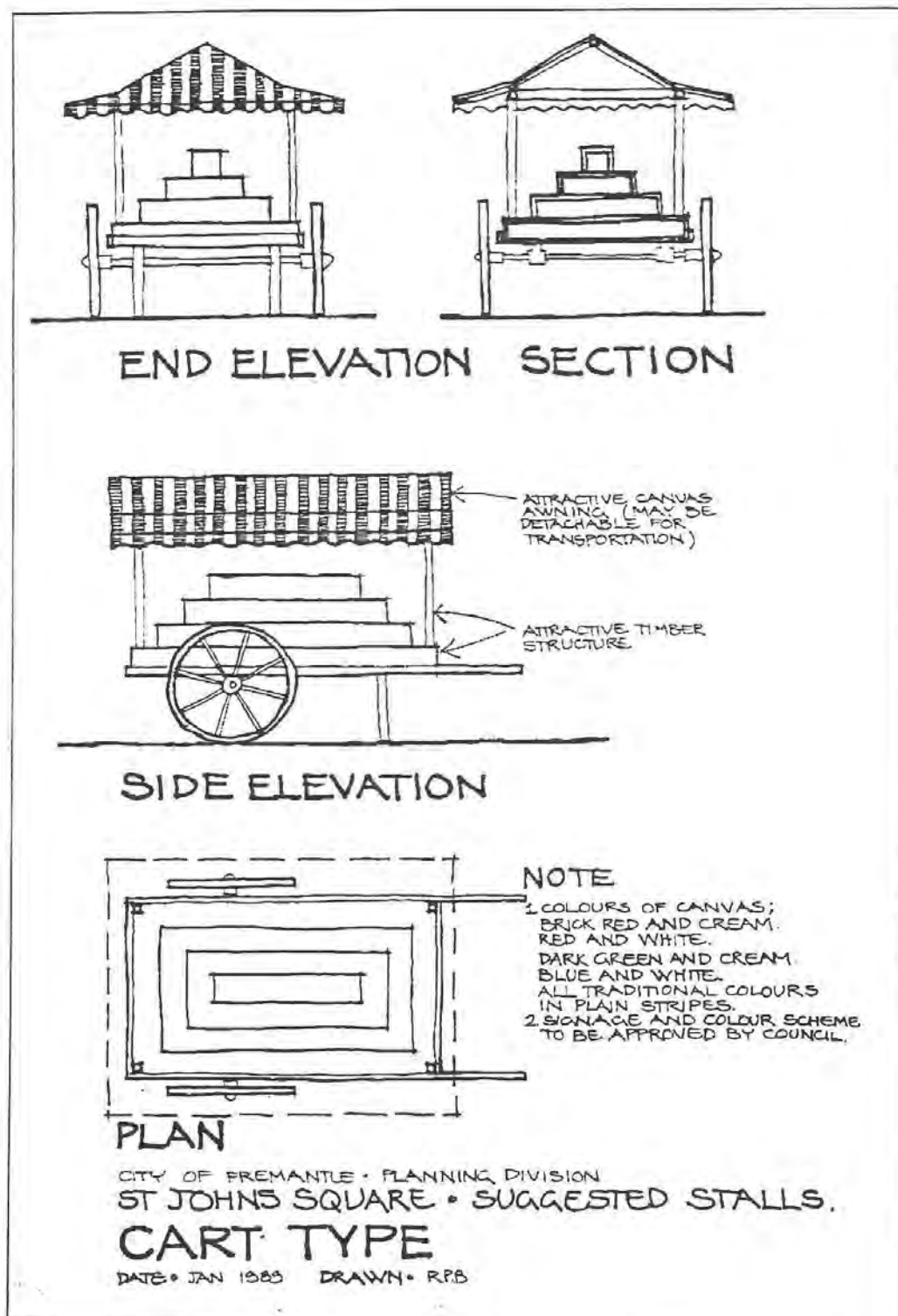


Diagram D.G.F23c Stall And Cart Types For King's Square

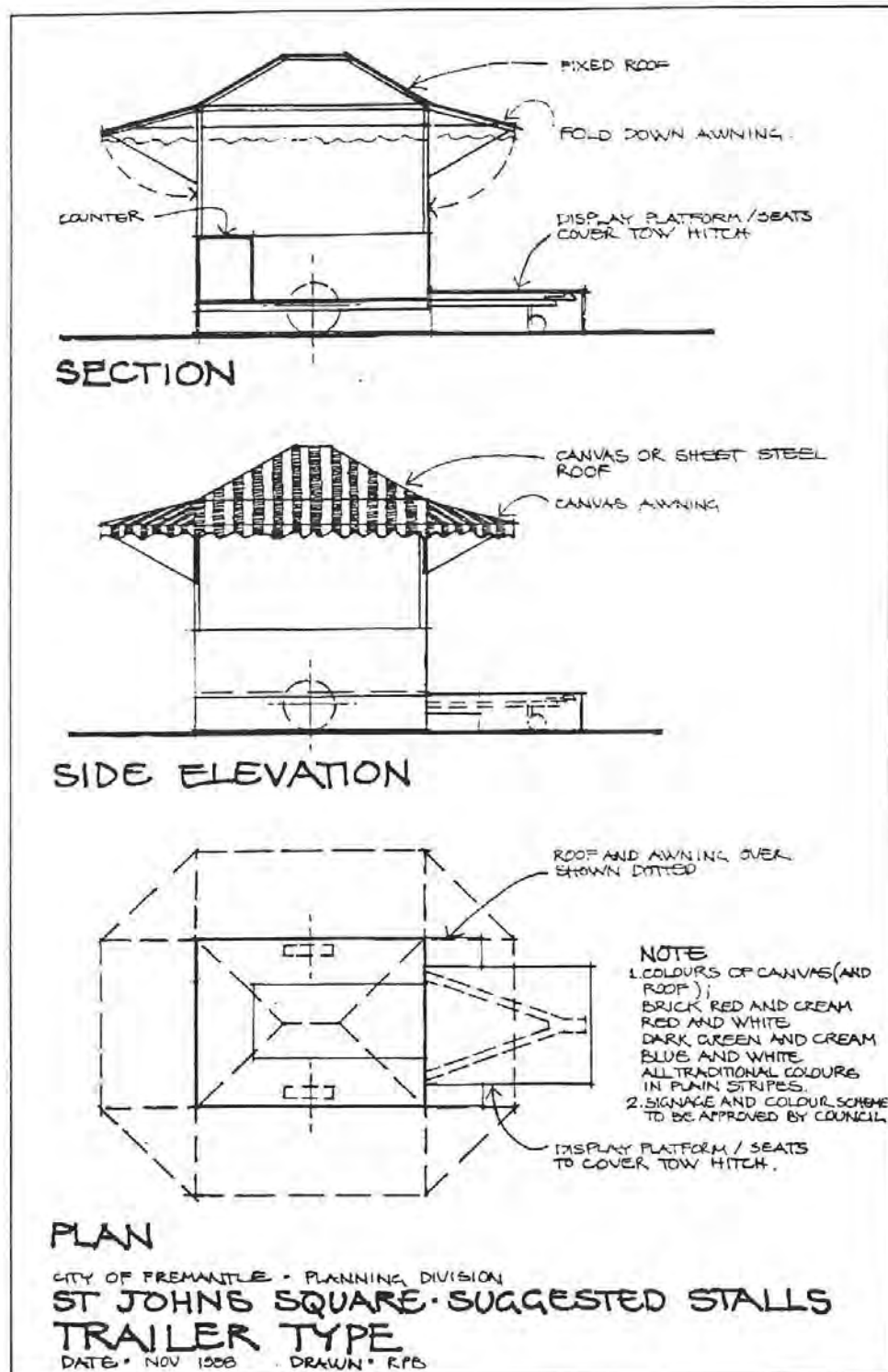


Diagram D.G.F23d Stall And Cart Type For King's Square

The elements included in the original urban design (listed above) should be included in the Council's updated long-term Capital Works Programme for the Square.

3.4 The Newman Court

Potential for Upgrading

The Queensgate development has provided a catalysts for upgrading the whole area. The current proposal includes:

- Levelling and upgrading of paving
- Upgrading of the Town Hall Arcade Entrance
- Upgrading of the landscaping
- Upgrading of the street furniture and street lighting

The only facade which is exposed to sunlight for most of the year is the Queensgate facade. Some form of canopy would therefore be required to protect the shopfronts from too much sun exposure. This may create an opportunity for reducing also the harshness of the built environment of the space. Due to the area's relatively limited size only a small number of new trees can be added to it. The Queensgate canopy could provide a frame for growing suitable creeps which would in turn:

- provide a shade;
- soften the built form; and
- would take a very limited ground space to grow.

3.5 William Street

Potential for Upgrading

It is considered that William Street functions well in its present form. The proposed upgrading of the Newman Court section of William Street is included in the Newman Court proposal. The potential exists to fill in the existing gap between the Town Hall and the Civic Administration Centre with an attractive 'link' in the form of a building. Such a building should include a vehicular service access at ground level and an office space and circulation 'link' on top floors. Plans to construct a 'link' should be considered in the Council's strategy for continuous upgrading of the Town Hall Administration Centre.

4. King's Square Capital Works Strategy

4.1 The Town Hall Forecourt

This space should be maintained as a forecourt to the Town Hall. This includes maintaining a good standard of paving, street furniture, landscaping and street lighting.

The upgrading strategy for this space should include:

- Appropriate illumination of the Town Hall;
- Consideration of public art;
- The recommended relocation of the existing short-term trading activities further towards the centre of High Street Mall should be incorporated in the Council's plans for upgrading of the High Street Mall; and
- Construction of an attractively designed poster pavilion at the location indicated on the attached plan (Refer to Diagram D.G.F23b)

4.2 St Johns Church - South

This area should be maintained as appropriate for small scale cultural activities. The strategy for upgrading of the area should include the following works:

- Widening of Adelaide Street western footpath and increasing the number of parking bays while maintaining the present number of loading zones, taxi rank and vehicular traffic. Any proposal for repaving of the widen footpaths should include conservation of the existing flagstones in front of the church.
- Upgrading of the existing raised levels around the Moreton Bay Fig trees.
- Installation of more permanent seats to match the existing in locations shown on the attached plan (Refer to Diagram D.G.F23b) for spectators of the cultural events and chess games.
- Provide tables with inlaid chessboards for hire from the Council
- Designing and installation of an appropriate entrance canopy to the Town Hall Arcade.
- Upgrading of the street lighting and possibly illumination of the Town Hall.
- Possible reconstruction of the entry porch to the auditorium.
- Designing of an appropriate display, including possible exposure and interpretation of the archaeological remains of the original St Johns Church. This may include associated facilities such as seats or paving patterns, and possibly elements emulating three dimensional form of the church.

- Designing and construction of attractive stalls for hire. The design should aim at all sides of the stalls being exposed (Refer to Diagram D.G.F23c and D.G.F23d).
- Satisfactory maintenance of chess board paving slabs and bollards.

4.3 St Johns Church - North

This area is considered appropriate for resting, lunching and possibly complementary small scale cultural activities to St Johns Church - South. The upgrading of the area should include the following works:

- Satisfactory maintenance of the existing grassed areas, flower beds, paving and street furniture.
- The illumination of St Johns Church and improved Queen Street lighting.
- Consideration of locating a piece of appropriate public art within the existing grassed area adjacent to the Church.
- Incorporation of roses/garden bed within the grass area and along the limestone wall adjacent to the Queen Street footpath.

4.4 The City Place

This area requires major upgrading works to achieve its potential status. The following works should be included in the strategy for its upgrading:

- Upgrade landscaping of the area by planting new trees in the location indicated on the attached plan (Refer to Diagram D.G.F23b). The upgrading of landscaping should include incorporation of roses/garden bed in the north-eastern corner of the area.
- Construct a low limestone wall around the outer paving circle to match existing limestone wall/seating (Refer to Diagram D.G.F23b).
- Design and construct an attractive custom made seat in front of the Mayoral steps.
- Design (possibly by a competition) and construct a sculptured fountain in the location indicated on the attached plan (Refer to Diagram D.G.F23b).
- Continue co-operation with the owners of Myer's building on improvements to the facade and

construction of three metres wide extension of small shops in front of the building.

- Maintain good standard of the existing grassed areas and paving.
- Consider the installation of flag poles at the closing line of the former High Street section within King's Square (Refer to Diagram D.G.F23b).
- Attractive, urban and restricted in scale playground equipment may be considered in one of the locations shown on the attached plan (Refer to Diagram D.G.F23b).

4.6 Newman Court

This area is to be developed according to the Council's current plan for the area. In addition, the development plan should include the design and construction of the Queensgate canopy which would incorporate a suitable form of planting.

4.7 William Street

The street should maintain its existing status except the section included in the Newman Court upgrading proposal. Future upgrading works should include the replacement of the existing variety of footpath paving materials with appropriately designed and more uniform paving materials and patterns complementing the rest of the Square.

5. King's Square Management Of Activities Strategy

Below are listed activities considered appropriate for King's Square

5.1 Trading Stalls

Stalls which are appropriate for the Square include a flower stall, a food stall, newspaper stall and ice-cream stall. These stalls should be located as shown on the attached plan (Refer to Diagram D.G.F23b) and reflect the designs prepared by Council and indicated on Diagram D.G.F23c and D.G.F23d. Applications to establish trading activities other than those specified above or as the nominated locations, will only be considered where the location and/or proposed use would not preclude the Council's general objectives for the area.

5.2 Short Term Stalls

A maximum of three stalls on a daily basis should be permissible for groups wishing to sell raffle tickets or set up a display. The stalls should be hired from the Council and

located in the area shown on the attached plan (Refer to Diagram D.G.F23b).

5.3 Cultural Activities

These activities form the basis for events within the Square. Small scale activities should occur south of St Johns Church while larger scale events, displays and activities, should occur in the area to be known as the City Place.

5.4 Special Events

Large scale rallies, festivals, displays, promotions and concerts should occur in the region of the Mayoral steps or in the space to be known as the City Place.

5.5 Passive Recreation

Opportunities for seeking the provision of additional seating in conjunction with the planting of mature trees in the City Place will help to more effectively utilise this portion of the Square for passive recreational purposes in the short term until the trees have gone. Location of additional seats are shown on the attached plan (Refer to Diagram D.G.F23b).

This will build on the existing attractive and well patronised parts of the Square to the north and south of St Johns Church.

A quiet, passive recreation nook is to be created in the library corner of Newman Court.

5.6 Sidewalk Cafes

Additional sidewalk cafes in Newman Court and City Place will only be considered where the standard of the operation is high and the design of the tables and chairs reflects the status of the Square. The extent of the sidewalk cafes will be limited to that which permits ready and restricted vehicular/pedestrian movements between the cafes and the rest of the area, as shown on the attached plan (Refer to Diagram D.G.F23b).

Adopted: 17/9/84
Amended: 21/5/90

D.G.F25 HENDERSON STREET MARKET STALLS

OBJECTIVE

To provide opportunity for small business to develop in Fremantle and provide the people and visitors of Fremantle with a diversity of retail activities.

1. USE OF STALLS

Stalls 1 to 4 shall be available for license for a period up to two years. Stall holders registered for stalls 1-4 shall advise Council of their intention to occupy the stall area and obtain a license from Council for a minimum period of one calendar month in advance. Where a stall is not prebooked for the month in advance the stall may be licensed to any other person other than persons holding the stall license.

Stalls 5 to 6 are available on a rotational basis to a person for a period up to three consecutive weeks. Stalls are to be booked through a diary register for three weeks. No stall can be booked by any one person for any consecutive three week period unless the Council has not issued a license for the stall on the Thursday prior to the trading period.

2. INSURANCE

All stall holders are to obtain a \$5 million Public Indemnity Insurance either individually or collectively. No license will be issued unless proof of insurance is provided.

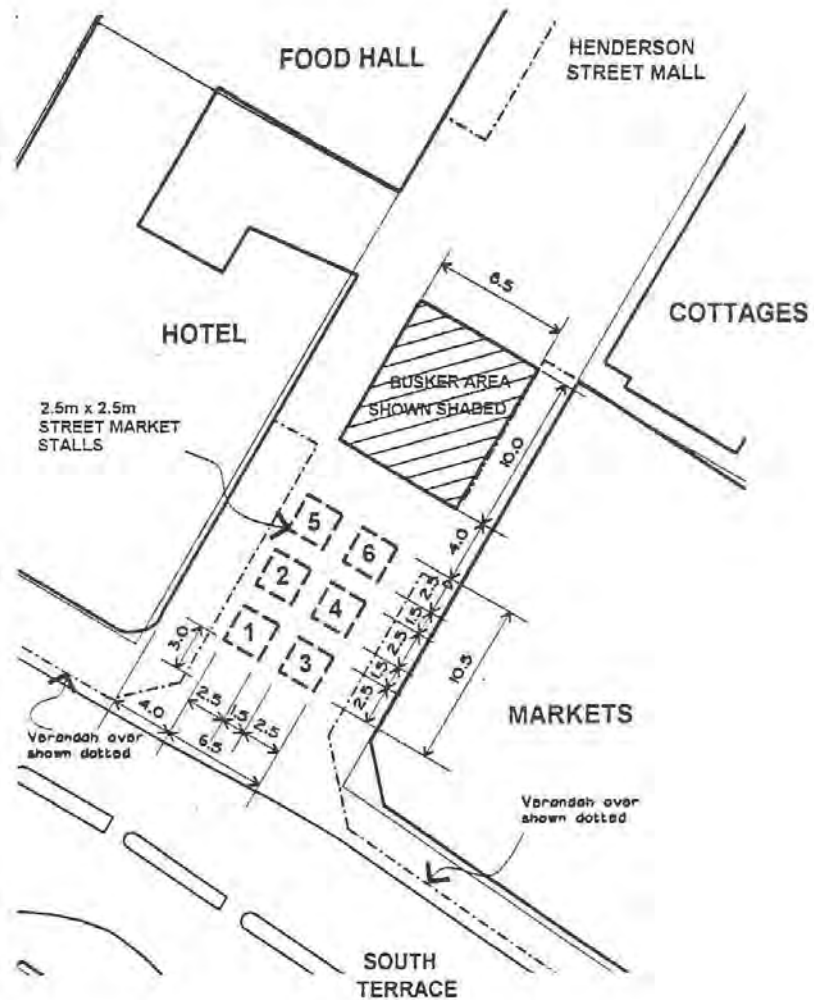
3. STALL AREA

Stall lease areas will be clearly identified within Henderson Street. Stall holders must remain within the licensed area to ensure that adequate and safe pedestrian movement is maintained.

4. FEES

Long term stalls:	\$400 per month
Short term stalls:	\$25 per day

Adopted: 22/12/97



DE5 QUEEN STREET
DEVELOPMENT POLICY

PREPARED BY THE STRATEGIC PLANNING
& CORPORATE DEVELOPMENT UNIT
May 2002

1.0 BACKGROUND

Queen Street is located in the north eastern sector of the Fremantle city centre. The street forms a primary pedestrian link between the railway station to the west, Kings Square and various justice and law and order facilities to the east.

The street, in part, forms the northern boundary to the historic Kings Square.

1.1 PURPOSE

The purpose of this policy is to define Council's strategic direction for land use and built form within the policy area.

1.2 OBJECTIVES

- Encourage redevelopment within the policy area that contributes to the major regional centre status of the city centre and town centre role for Fremantle residents.
- Facilitate a diversified, balanced and compatible mix of land uses within the area that provides for the cultural, social and economic needs of the local population, workers and visitors.
- Promote a diversified mix of residential accommodation opportunities.
- Identify, conserve and use cultural heritage places and precincts.
- Allow new development that is compatible with the cultural heritage of the area and greater city centre while allowing innovative development to become the 'heritage of the future'.

- Develop high quality urban spaces and streetscapes.
- Develop a high quality and safe pedestrian and cycling environment, public transport opportunities and reduce the impact of motor vehicles.

1.3 SCOPE

The policy applies to private or freehold land only. Nevertheless, the policy requirements are consistent with Council's broader initiatives within the road reserve such as repaving, tree planting and other streetscape initiatives.

1.4 KEY REFERENCE DOCUMENTS

The following documents have been instrumental in the development of this policy:

- *Fremantle City Plan 2000 - 2005*
- *Fremantle Planning Strategy*
- *D.G.F.14 Fremantle West End Conservation Area Policy*
- *City of Fremantle Municipal Heritage Inventory*
- *Fremantle City Centre Urban Design Strategy*
- *High Street Mall + Kings Square Study*



2.0 LAND USE

2.1 STRATEGY

The Fremantle City Centre Urban Design Strategy identifies Queen Street as the "retail core" of the Fremantle City Centre. In a related sense, the West End Conservation Policy identifies the area adjacent to Kings Square as historically the commercial and administrative "heart" of Fremantle.

In urban design terms, Queen Street is an area of intense pedestrian and vehicular activity. For instance, the street provides connection with the train station to the west and significant pedestrian nodes such as Kings Square and the Justice precinct to the east. The street also contains major pick up and set down facilities for public transport.

Together, the historic and urban design characteristics provide the area with a significant competitive advantage in terms of retailing and commercial development.

It is important that the retailing and commercial function of this area be enhanced in order to reinforce the regional status of Fremantle.

2.2 OBJECTIVES

To encourage land uses that:

- serve to add "life" and activity to the area;
- reinforce the historic function of Kings Square and associated areas as the commercial and administrative "heart" of Fremantle;
- reinforce the role of Queen Street as a primary pedestrian link and Kings Square as a pedestrian node;

- contribute to economic redevelopment, particularly in the retail and commercial sectors; and
- allow for limited residential development to upper levels of buildings.

2.3 PROVISIONS

2.3.1 Use permissibility

2.3.1.1 Uses that may be supported

Subject to compliance with all other requirements of the scheme, Council may support the development of the following uses in the area as defined in Fremantle Town Planning Scheme Number 3:

- retail other, retail local convenience and retailing comparison;
- service commercial, service professional;
- entertainment uses (excluding night clubs as defined in the Liquor Licensing Act);
- service other (excluding transport depots, motor vehicle and boat parking, storage, maintenance, repair and wrecking uses only);
- administration;
- community; and
- residence other and residence private uses to 2nd and 3rd floors only.

2.3.1.2 Uses that may not be supported

The following uses shall not be permitted in the area:

- residence private and residence other uses to ground and first floors;
- production;

2.0 LAND USE

- service other (transport depots, motor vehicle and boat parking, storage, maintenance, repair and wrecking uses only);
- storage to ground and first floors;
- Council shall not support the development of public car parks within the policy area; and
- night clubs (as defined in the Liquor Licensing Act).

2.3.2 Licensed premises (for serving of alcohol)

Where Council approves development with the potential to serve or supply alcohol the following requirements shall apply in addition to all other requirements deemed necessary by Council:

- a) control of hours of operation appropriate to the amenity of the area, in particular where the development is located with 100 metres of a dwelling; and
- b) building to be designed or adapted in order to effectively attenuate sound.

In relation to (b) it will be a requirement that a building be certified by a suitably qualified acoustic engineer as being capable of containing noise (including vibration) within the requirements of the Department of Environment Protection.

3.0 URBAN DESIGN AND BUILT FORM

3.1 STRATEGY

The Fremantle Planning Strategy (ref: 5.1.3 {x}) calls for new development in the city centre to be compatible with the heritage values of the city, per se, whilst promoting design and standards of construction that will ensure that new development becomes the "heritage of tomorrow".

The Queen Street policy area adjoins the historic West End of the Fremantle city centre. The West End represents the largest and most prolific concentration of heritage places in the state. Of particular significance to the development of this policy is Kings Square. Queen Street forms the northern frontage to the Square. The Square contains Saint Johns Church, Fremantle Town Hall and a number of significant fig trees all of which are identified in Councils Municipal Heritage Inventory (MHI) and the Heritage Council State Register. In addition, the MHI identifies the historic "Woodsons" building on Cantonment Street as a place of heritage significance.

3.2 OBJECTIVES

To encourage built form:

- that is compatible with adjoining heritage places, in particular Kings Square and the greater West End;
- that does not overwhelm Kings Square or other pedestrian realms by way of excessive overshadowing or bulk and scale;
- that establishes a clear hierarchy of built form focussed upon Kings Square;
- that retains vistas through to the rail way station and Kings Square;

- that embraces a high standard of design whilst recognising some traditional form elements; and
- that is robust or adaptable for a range of uses through time.

3.3 PROVISIONS

3.3.1 Building requirements

3.3.1.1 Height and plot ratio

All development shall comply with the height and plot ratio requirements outlined in map 2 and in table 1 below:



3.0 URBAN DESIGN AND BUILT FORM

Table 1 Floor / ceiling heights

	Four storey	Three storey
Ground floor	3.6 min	3.6 min
1st floor	2.7 min	2.7 min
2nd floor	2.7 min	2.7 min
3rd floor	2.7 min	NA min
Total external wall height	14.0m	11.0m

* Includes 300mm spacing between floors and parapet if applicable

3.3.1.2 Use of roof space

Council may grant consent to an additional storey where the following is achieved to Council's satisfaction:

- the storey is entirely contained within the roof space of the building, subject to:
 - the roof plane not exceeding 30 degrees,
 - the maximum roof ridge height of 17 metres, and
- limited use of "dormer" style windows provided they extend no greater than 1.5 metres perpendicular to roof plain.

3.3.1.3 Averaging Height

Where there is a variation in ground level over a given lot of greater than one metre, Council may average the height requirement subject to no portion of the external wall exceeding the maximum height limit by greater than 1.5 metres.

The average height of a building may be determined by the sum of the external wall heights of the four corners of the building divided by four.

3.3.1.4 Basement levels

Council may consider basement or undercroft parking in addition to the applicable height limit subject to the following:

- a minimum of 50% of the volume of the basement space being located below ground level; and
- compliance with the overall height requirements specified above.

Rationale for Height

Within the study area there are a number of significant heritage buildings. In the interests of maintaining their conservation and heritage values, new development should not generally exceed the overall height of these places.

Furthermore, Kings Square is an area of high amenity for pedestrians and congregation generally. For this reason, the height of new development should maintain a "human scale" and importantly not overshadow the square.

In a broader urban design sense, it is also appropriate to reinforce the area around the Square as the "urban core" of the Fremantle city centre. Accordingly, the height provisions seek to establish a clear height hierarchy focussed on the square.

3.3.1.5 Setbacks

Building setback to streets shall be nil.

Building setback to side and rear boundaries may be reduced to nil.

3.3.2 Building form

Generally Council does not seek to advocate a particular architectural style of development within the policy area.

3.0 URBAN DESIGN AND BUILT FORM

Nevertheless, it is expected that new development will embody the following elements:

- good design;
- "active street frontages" that enable visual interaction between spaces within the building and the street environment;
- "hard edge" to the street or nil setback that serves to:
 - a) reinforce interaction (visual and physical) between the street environment and adjoining built form,
 - b) frame important vistas to heritage and natural features, and
 - c) provide enclosure and shelter for pedestrians;
- building facades that are highly articulated with a vertical emphasis;
- development on corner sites shall address the street corner in highly distinctive fashion that serves to create "landmarks" within the immediate environment; and
- "parapeted" facades.

3.3.2.1 Facades and building articulation - general requirements

Facades shall be articulated in order to create a sense of human scale.

3.3.2.2 Building entrances and windows - general requirements

Windows to new buildings shall:

- a) reflect window patterns and proportions characteristic of the West End; and

- b) exhibit a clear vertical emphasis or proportion with large areas of glass avoided or divided vertically by mullions.

Primary entrances to buildings shall:

- a) be articulated in a fashion that makes them clearly identifiable within the overall building form; and
- b) for sites on the corner of Adelaide Street, preference will be given to primary entrances facing Kings Square.

3.4 Signage

As per D.B.H6 Signs and Hoardings.

URBAN DESIGN AND BUILT FORM

3.5 Ground floors / shop fronts

3.5.1 General design requirements

Ground floor street elevations to new development shall be designed:

- similar to traditional shop fronts that achieve "active street frontages"; and
- as an integral part of the overall building with a consistency in materials and character while allowing individual expression of each tenancy.

3.5.1.1 Specific requirements

Ground floor shop fronts shall comply with the following specific requirements:

- a minimum of 60 % of the ground floor tenancy façade shall be of clear glazing that enables visibility of shop displays from the street;
- glazing shall terminate a minimum of 2.7 metres above finished floor level;
- have proportions and patterns that reflect a vertical emphasis; and
- glazing greater than 3 metres in width shall be divided by mullions.

3.5.2 Security measures deemed to comply with policy

The following security measures are deemed to comply:

- security films (insurance approved) to the glass;

- security glazings or safety laminates (insurance approved) to the glass;
- security screens fitted internally (preferably of the larger aperture type, with openings in the screens greater than 70 mm in each direction);
- internally housed roller shutters setback behind a shop window display; and
- reinforcement of shop front, for example first 750 mm from floor level masonry or other suitable reinforced material.

Council shall not support the following security measures:

- externally fitted roller doors, shutters; and
- externally fitted security screens or panels either fixed or removable.

3.6 Verandahs, balconies and awnings

3.6.1 Verandahs

Verandahs shall not be permitted within the study area.

3.6.2 General requirements for balconies

New balconies shall:

- integrate with and achieve a high degree of compatibility with adjacent buildings that are consistent with this policy;
- complement the architectural style of the host building;
- be uncomplicated and regular in form with simple detailing; and
- be constructed from high quality materials.

3.6.2.1 Specific requirements for balconies

URBAN DESIGN AND BUILT FORM

New balconies shall:

- project no greater than 2 metres off the façade of the building; and
- the underside shall not be less than 3200 mm above the footpath.

3.6.3 General requirements for new awnings

New awnings shall:

- integrate with and achieve a high degree of compatibility with existing adjacent awnings where those adjacent awnings are consistent with this policy;
- form a unified element within the streetscape and complement the architectural style of the host building;
- be uncomplicated and regular in form with simple detailing;
- be predominantly horizontal and flat through their length; and
- be constructed from high quality materials.

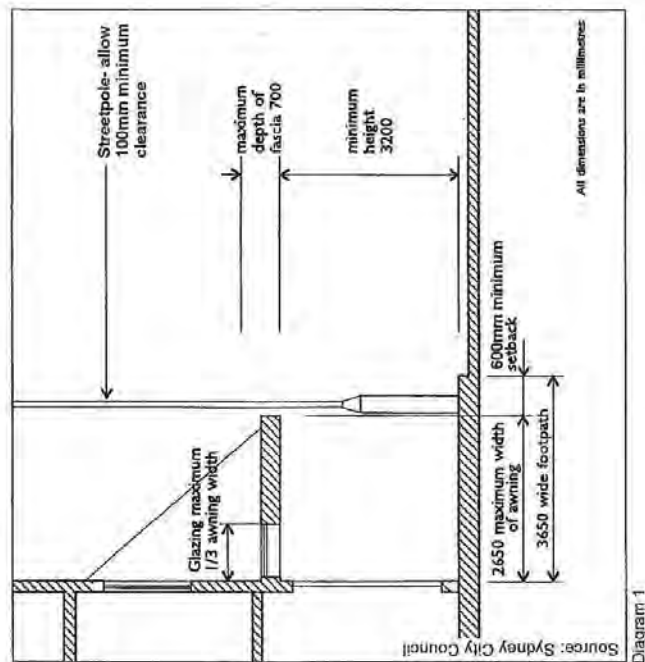
3.6.3.1 Specific requirements for new awnings

Awnings shall comply with the following requirements:

- the underside shall not be less than 3200 mm above the footpath;
- the majority of the ceiling and underside of the fascia is to match those of adjoining awnings and be between 3200mm and 4200 mm high;
- extend across the entire building elevation;
- a maximum slope of 10% is to be used for the roofs and the ceilings;

- setback a minimum of 600 mm from the kerf face,
- 700 mm fascia depth;
- maximum width of glazing 1/3 of total awning width; and
- have a minimum width of 2000mm unless width of the footpath requires less.

Refer diagram 1.



4.0 RESIDENTIAL DEVELOPMENT

4.1 STRATEGY

The Fremantle Planning Strategy seeks to ensure that residential development in the city centre exhibits a high standard of amenity for residents. Among other things, residential amenity within the context of the city centre refers to suitable access to daylight, aural privacy and ventilation.

Traditionally Fremantle has been successful in providing a range of residential accommodation types. To some extent, variety in accommodation has underpinned Fremantle's social and cultural diversity. Accordingly, the City Plan recognises that importance of maintaining variety in the provision of housing in Fremantle.

4.2 OBJECTIVES

To encourage residential development that provides:

- a high level of residential amenity including privacy (visual & aural), ventilation, day light access and energy efficiency; and
- variety in residential accommodation types.

4.3 PROVISIONS

4.3.1 Mix of units within a residential development

All residential developments in excess of 10 dwellings shall provide the following mix of units:

Studio or 1 bedroom apartments:	Minimum 10% and maximum 50%
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4.3.2 Residential amenity

4.3.2.1 Sunlight and daylight access general requirements

Residential dwellings shall be designed so as to ensure that:

- a) living rooms and private open space should be the main recipients of sunlight; and
- b) the maximum depth of a habitable room from a window providing light and ventilation to that room is 6 metres or 10 metres if floor to ceiling height is greater than or equal to 3.5 metres (refer diagram 2).

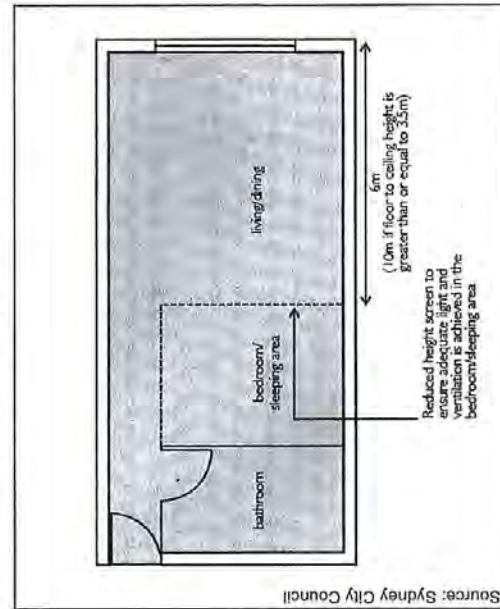


Diagram 2

4.0 RESIDENTIAL DEVELOPMENT

4.3.2.2 Ventilation – general requirements

Development shall be designed so as to ensure that:

- a) where possible dwellings have access to outside air, other than solely by means of light wells; and
- b) where possible natural through ventilation is achieved by having window openings facing different directions.

4.3.2.3 Lightwells and internal courtyards

Where adequate daylight and sunlight cannot be achieved, lightwells may be used provided that:

- a) living rooms are not to have lightwells as the only source of outlook;
- b) for lightwells with a height up to 13 metres the minimum plan dimension is to be 3 metres or 6 metres if overlooked by bedrooms;
- c) lightwell spaces may be shared with other uses such as indoor atria, voids over entry lobbies or indoor planted areas which are visible to dwelling units, subject to consideration of noise and other privacy effect; and
- d) lightwells are to be directly connected at ground level to streets or lanes to allow air circulation.

4.4 Storage

Dwellings shall be provided with the following accessible minimum storage areas:

Studio apartments	6 sqm
1 bed dwellings	8 sqm
2 + bedrooms	10 sqm

5.0 CAR PARKING PROVISIONS

5.1 STRATEGY

A key result area of the Fremantle City Plan is to ensure that Fremantle has a balanced transport system that encourages the use of public transport, bicycles and walking while managing vehicle use.

5.2 OBJECTIVES

The objectives of the car parking controls are:

- to improve the attractiveness and competitiveness of the Queens Street and surrounding area for retail and commercial activities by providing a reasonable level of public car parking;
- to recognise that walking and cycling are the most ecologically sustainable means of transport in Fremantle;
- to encourage greater use of public transport in order to reduce the number of private motor vehicles travelling through the Fremantle city centre;
- to minimise adverse urban design impacts, in particular by discouraging the provision of above ground parking;
- to clarify Councils use of discretion in relation to parking requirements as provided for Fremantle Town Planning Scheme Three; and
- to minimise adverse traffic impacts, in particular conflicts between pedestrian and vehicular traffic.

5.3 PROVISIONS

5.3.1 Car parking requirements

5.3.1.1 Residential Uses

The parking requirements for "Residence - private" shall comply with the following:

Dwelling / unit type	Per Dwelling	
	Minimum	Maximum
Studio	0	1
Single bedroom	0	1
2+ bedrooms	1	2

5.3.1.2 Parking requirements for non residential uses

The parking requirements for all non residential uses shall not exceed or be less than the standard requirement prescribed in table three (inclusive of 50% reduction) of Fremantle Town Planning Scheme three.

5.3.1.3 Provision of on-site parking

With the exception of residential uses, Council shall not support the fulfilment of the parking requirement on-site. Instead, pursuant to clause 52 (f) of the scheme, Council shall seek cash in lieu of the parking requirement for dedication to the provision of public car parking bays and public transport infrastructure in the vicinity of the area.

5.3.1.3.1 Exceptions

5.0 CAR PARKING PROVISIONS

Despite clause 5.3.1.3, Council may support the provision of a limited number of bays on-site for staff parking only subject to the parking area complying with the design requirements specified in clause 5.7.

5.4 Public car parks

Despite clause 2.3.1.2, Council may support the consolidation and/or redevelopment of the existing public car park on the corner of Elder Place and Queen Street subject to:

- the development incorporating commercial uses (inc. active street frontages) to all ground floor street frontages;
- ingress and egress via Elder Place;
- submission of a suitable traffic management plan demonstrating management of potential pedestrian and vehicular conflicts;
- parking being provided on a short term basis only; and
- the development being consistent with all other requirements of this policy and Town Planning Scheme Number 3.

5.5 Delivery and service vehicles

All development shall comply with the following requirements for delivery and service vehicles:

Use type	Service / Delivery bay requirements
Retailing (convenience, comparison and other)	1 space per 350 sqm of floor area
Residential	1 space per twenty units (no requirement for developments incorporating less than

Commercial / wholesale	19 units) 1 space per 700 sqm of floor area
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5.5.1 Design requirements

Service delivery bays shall comply with the following design requirements:

- relevant Australian Standard (size and manoeuvring requirements);
- located on-site; and
- crossover to be located outside the pedestrian priority area outlined on map 3.

5.6 Bicycle parking requirements and associated amenities

All non-residential development shall provide at least one readily accessible shower / change room for cyclists (male and female). Preferably, one shower and change room shall be provided per building floor or level.

Where development incorporates the provision of onsite parking, area equivalent to one parking bay shall be provided for the parking of bicycles and motorbikes for every 50 car spaces provided.

The area shall contain a sufficient number of racks to enable the optimum use of the space for the parking of bicycles.

5.6.1 Design requirements

Bicycle racks shall be designed in accordance with:

- the *Guidelines for the Design of Bicycle Facilities* (Bike West), or

5.0 CAR PARKING PROVISIONS

- b) AUSTROAD, Part 14 (MRWA).

5.7 Car parking design requirements

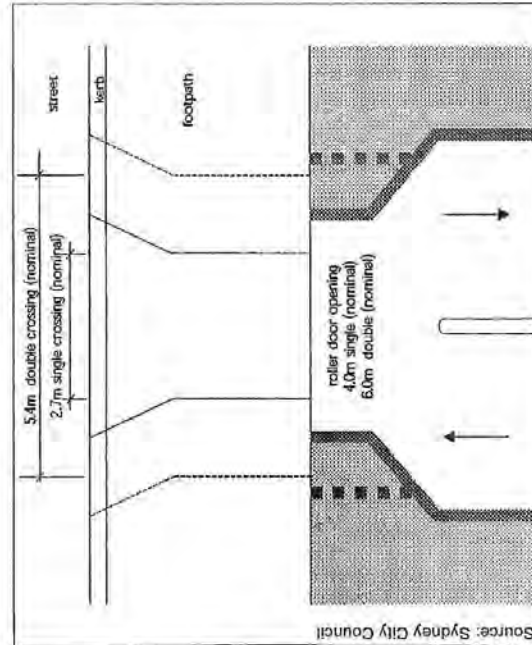
All parking areas shall comply with the following design requirements:

- located below ground level;
- designed in accordance with the relevant Australian Standard;
- ingress and egress crossovers to be located jointly and designed in accordance with diagram 3;
- ingress and egress crossovers to be located outside the pedestrian priority area outlined on map 3;
- submission of a suitable traffic management plan demonstrating management of potential pedestrian and vehicular conflicts.

5.7.1 Exceptions

Despite clause 5.7, Council may permit the development of car parking at ground level and above, subject to:

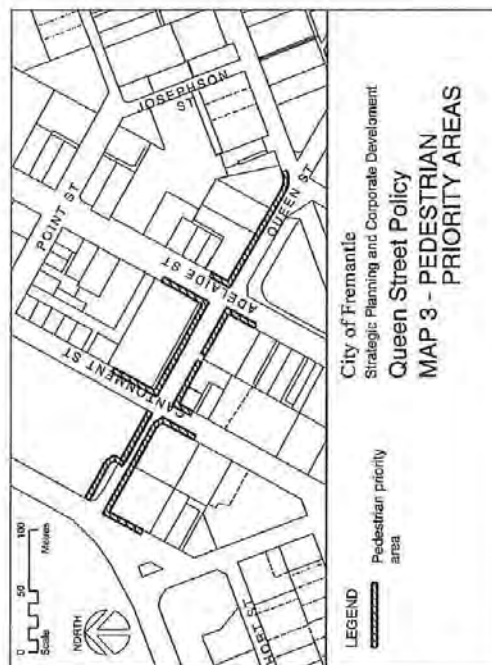
- the development incorporating commercial uses (inc. active street frontages) to all ground floor street frontages that address the pedestrian priority area; and
- as per the requirements of b – e above.



Source: Sydney City Council

Diagram 3

5.0 CAR PARKING PROVISIONS



6.0 CONSERVATION

Whilst there are no heritage places located within the policy area, the area adjoins the West End Conservation Area and several individual places that are identified in the Municipal Heritage Inventory and State Heritage Register.

The West End Conservation Area policy requires that any development in the precincts immediately adjoining the conservation area, which may impact on its heritage, will be assessed in cognisance of the conservation policy. Any development within the policy area shall therefore be consistent with the conservation policy and the management requirements of adjoining heritage places as outlined in the Municipal Heritage Inventory and State Register entries.

Conservation issues also relate to the public domain of Queen Street, including:

- the legibility and permeability of the original street and the adjoining streets network;
- the significant end vistas of the Railway Station (north end) and the Drill Hall administration building and Fremantle Prison beyond (south end); and
- the original alignment of the south end of the street in the intersections of Henderson and Holdsworth Streets, surviving within the later modified road reserves.

7.0 DEFINITIONS

Unless otherwise stated below, all definitions within this policy shall have the same meaning as outlined in Fremantle Town Planning Scheme Three.

Awning means a cantilevered horizontal or predominantly horizontal roof like structure projecting from a building and providing shelter to the footpath.

Active street frontage means a street frontage that enables direct contact (visual and physical) between the street and the interior of the adjoining building.

Balcony means a horizontal projecting platform on a building enclosed by a balustrade.

External wall height of a building means the vertical distance measured in metres from the adjoining pavement or ground level to the top of the external wall or parapet.

Public car parking means any land or space in a building used for accommodating parked vehicles on payment of a fee, but does not include:

- a) a metered space; or
- b) tenant car parking.

Residential uses means "Residence - private", "Residence other", hotel rooms and serviced apartments and backpacker accommodation.

Tenant car parking means car parking provided in connection with a development that reasonably services the needs of the development and which is used only by a person who resides, works in or visits a use carried on in the building or land for which

the car park has been provided. For the purposes of this definition, car parking that reasonably services the needs of the development includes car parking provided in accordance with Table 3 of Fremantle Town Planning Scheme number 3.

Verandah means an awning supported on posts rather than cantilevered.

Vista means a view along a street terminated by a building, structure or natural feature.

7.0 DEFINITIONS

Adopted: September 2002